

Deposition Transcript

Case Number: BC 694 158
Date: January 28th, 2020

In the matter of:

Garvin v City of Los Angeles

Kathryn Meek

**CERTIFIED
COPY**

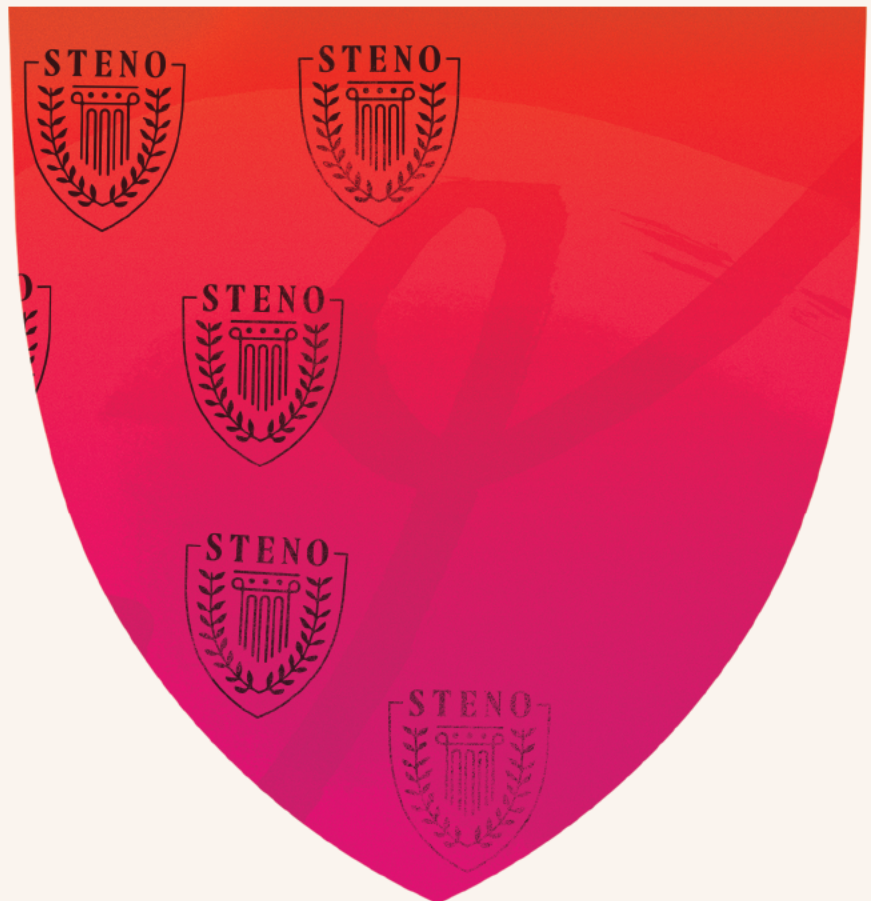
Reported by:

Wendy J. Wright
CSR No. 11607

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RAYMOND GARVIN,
Plaintiff,
VS.
CITY OF LOS ANGELES; AND DOES 1
THROUGH 100, INCLUSIVE,
Defendants.

Reported by: Wendy J. Wright
CSR No. 11607

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

RAYMOND GARVIN,

Plaintiff,

VS.

CITY OF LOS ANGELES; AND DOES 1
THROUGH 100, INCLUSIVE,

Defendants.

CASE NO. BC 694 158

Deposition of KATHRYN MEEK, taken on behalf
of the Plaintiff, at 18801 Ventura Boulevard,
Suite 208, Tarzana, California, commencing at
10:07 a.m., Tuesday, January 28, 2020, before
Wendy J. Wright, CSR No. 11607.

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24 RICHARD BYRD
25

I N D E X

DEPONENT:	EXAMINATION BY:	PAGE:
KATHRYN MEEK	MR. SALUTE	6

EXHIBITS FOR IDENTIFICATION:

Plaintiff's

EXHIBIT 5	- "Employee Comment Sheet," 4 pages.	82
EXHIBIT 6	- "Standards Based Assessment," 6 pages.	91
EXHIBIT 7	- "Complaint Adjudication Form," 12 pages.	112
EXHIBIT 8	- "Official Correspondence Review Form," 9 pages.	138
EXHIBIT 9	- "Complaint Adjudication Form," 10 pages.	159

EXHIBITS PREVIOUSLY MARKED FOR IDENTIFICATION:

Plaintiff's

EXHIBIT 1	- "Complaint Investigation, CF Nos. 17-000419," 22 pages.
EXHIBIT 2	- "Complaint Investigation, CF Nos. 17-000614," 14 pages.
EXHIBIT 3	- "Complaint Form" dated 2/8/2018, 4 pages.
EXHIBIT 4	- "Complaint Form" dated 3/4/2018, 4 pages.

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I N D E X (Continued)

QUESTIONS INSTRUCTED NOT TO ANSWER:

PAGE:	LINE:
137	10
151	17
169	17

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TARZANA, CALIFORNIA
TUESDAY, JANUARY 28, 2020, 10:07 A.M.

KATHRYN MEEK,
having been first duly sworn, was
examined and testified as follows:

MR. SALUTE: Dennis, I put in front of you and
Captain Meek --
Meek?

THE DEPONENT: Yeah.

MR. SALUTE: No S?

THE DEPONENT: No S.

MR. SALUTE: Okay.

-- documents that I'll be talking about today
so you can reference them.

MR. KONG: Sure.

MR. SALUTE: Okay.

MR. KONG: Thanks.

EXAMINATION

BY MR. SALUTE:

Q All right. Can you please state and spell
your name.

A Kathryn Meek, K-a-t-h-r-y-n, M-e-e-k.

1 Q All right. Did you do anything to prepare
2 for the deposition today?

3 A I met with my counsel.

4 Q Okay. Other than that, did you look at any
5 documents or speak to anybody about your testimony
6 today?

7 A I reviewed one document.

8 Q Okay. What document did you review?

9 A The 15.7 that I issued to Lieutenant Garvin.

10 Q Is that a --

11 A Or, I'm sorry. It was a comment card.
12 Excuse me.

13 Q All right. So that's a comment card that you
14 issued to Mr. Garvin.

15 Would that have been in June of 2016?

16 A Yes.

17 Q So we'll get to that in a minute.

18 Other than that, did you review any other
19 documents?

20 A No.

21 Q And what was your purpose in reviewing the
22 comment card?

23 A My attorney provided it to me.

24 Q Just to refresh your memory?

25 A Yes.

1 Q Okay. And I understand you've had your
2 deposition taken before?

3 A Yes.

4 Q How many times?

5 A I couldn't give you a number. Less than ten.
6 I have no idea.

7 Q Okay. So I'm going to dispense with the
8 admonitions that are normally given, because it sounds
9 like you're fairly familiar with them.

10 The only thing I would say is let's just try
11 to do a couple things. One, talk in sequence so
12 we're -- we have a clear record, and just wait until I'm
13 done with my question before you start responding. I'll
14 do likewise. And if you don't understand the question,
15 just ask me to rephrase it. I'll try to rephrase it as
16 best I can.

17 All right?

18 A Yes.

19 Q And then the other thing is you have to
20 answer audibly, which you're doing. No shakes of the
21 head, nods of the head; that sort of thing.

22 Okay?

23 A Yes.

24 Q Now, what's your current rank and assignment?

25 A I'm a Captain III assigned to Emergency

1 Services Division.

2 Q When did you take command of Emergency
3 Services Division?

4 A March of 2016.

5 Q And what was your position prior to that?

6 A I was the area commanding officer, Harbor
7 area.

8 Q And how long did you hold that position for?

9 A I believe, approximately a year.

10 Q So you held that position for approximately
11 the beginning of January of -- I mean, the beginning of
12 2015 till about March of 2016?

13 A Yes.

14 Q All right. What was your position prior to
15 that?

16 A I was the commanding officer at South Traffic
17 Division.

18 Q Captain III?

19 A Captain II. I'm sorry.

20 Q And how long did you hold that position for?

21 A Over a year, but I don't think it was a year
22 and a half. I don't remember the dates.

23 Q All right. So that would take us sometime in
24 maybe late 2013, early 2014, is when you started there?

25 A I think it was late '13, yes.

1 Q All right. And then what was your position
2 prior to that?

3 A I was a Captain I Patrol Commanding Officer
4 at Southwest Area.

5 Q How long did you hold that position?

6 A Maybe a year and a half. Maybe a little
7 longer. I was assigned there as a Lieutenant II in
8 September -- it would have been September of '11, I
9 believe, and promoted to Captain I in January of '12, I
10 believe.

11 Q So as a Lieutenant II, were you a Detective
12 OIC or --

13 A No. I was the Patrol Commanding Officer in
14 place as a Lieutenant II and due to be promoted but
15 wasn't promoted till January.

16 Q Okay. And prior to that, you were a
17 Lieutenant I where?

18 A I was a Lieutenant II Detective Commanding
19 Officer at 77th Area.

20 Q How long did you hold that position for?

21 A I believe maybe -- I thought I was there two
22 years, so I might have made captain in '13. I'm not
23 sure. I got there in 2010 and then when I promoted, but
24 I'm not sure when that was, if it was '12 or '13. It
25 might have been '12. Sorry.

1 Q It's all right.

2 A I need to see paperwork. I'm not sure.

3 Q It's okay. Just trying to get a general idea
4 of your background.

5 A Okay.

6 Q And then prior to holding that position, what
7 was your position and assignment?

8 A I would say Lieutenant II OIC at Bomb
9 Detection K9 at LAX.

10 Q So that would have been sometime, maybe,
11 around 2009?

12 A 2008 to 2010.

13 Q Do you recall who you took over for as the
14 OIC?

15 A Lieutenant Dan Mulrenin.

16 Q Are you familiar with some of the prior
17 litigation that occurred at BDCS?

18 A Vaguely.

19 Q So you were not the Lieutenant II at the time
20 that that litigation was ongoing?

21 A When I arrived there in 2008, two of the
22 lawsuits were still going. Patty Fuller was still
23 assigned there and the personnel complaints were still
24 ongoing, and two or three of the personnel involved were
25 still assigned to Bomb Canine.

1 THE REPORTER: Excuse me. Could we go off the
2 record for a moment? I'm sorry.

3 MR. SALUTE: Sure.

4 (Recess was taken.)

5 Q BY MR. SALUTE: So you were saying that there
6 were still a couple of lawsuits and maybe some ongoing
7 personnel complaint investigations going on at the time
8 that you took over as the Lieutenant II at BDCS;
9 correct?

10 A Yes.

11 Q All right. Was one of the lawsuits that was
12 ongoing -- was one of those the Blaine Blackstone
13 lawsuit?

14 A I don't know for sure. I've never met him.
15 He wasn't there, and I don't know what the status of his
16 lawsuit was at the time.

17 Q Other than just hearing about these personnel
18 complaints and hearing about these lawsuits, did you
19 have any involvements in them at all?

20 A No.

21 Q Did you have any understanding as to what the
22 nature of the lawsuits were about?

23 MR. KONG: I'm just going to instruct the witness,
24 other than disclosing any information that would
25 otherwise be contained in the peace officer's personnel

1 records, you can answer the question.

2 THE DEPONENT: I only vaguely know about each of
3 them.

4 Q BY MR. SALUTE: Okay. Did you -- well, I'm
5 just -- just generally, did you have an understanding
6 that there were some ongoing issues in the unit where
7 various people were claiming discrimination and
8 harassment and that kind of thing?

9 A I believe that Patty Fuller was. I don't
10 know that that was part of the other two lawsuits. It
11 may have been, but I don't know that.

12 Q Okay. When you took over, did you become
13 aware of -- and I'm talking about as Lieutenant II of
14 BDCS back in, I guess, what, 2008 or so -- did you
15 become aware of any changes that had been made within
16 the unit to address those types of issues?

17 MR. KONG: Objection. Vague.

18 You can answer if you know.

19 THE DEPONENT: It's my understanding that --

20 MR. KONG: It's just a yes-or-no response.

21 THE DEPONENT: Oh, yes.

22 Q BY MR. SALUTE: Okay. What's your
23 understanding of what types of things were undertaken to
24 address those issues within the BDCS unit?

25 MR. KONG: Same objection. Vague.

1 You can answer if you know.

2 THE DEPONENT: That a lieutenant had been assigned
3 out at LAX to oversee the canine section.

4 Q BY MR. SALUTE: So instead of it being
5 overseen by a Sergeant II, it was now going to be
6 overseen by a Lieutenant II?

7 MR. SALUTE: Objection. Misstates testimony;
8 vague.

9 You can answer if you know.

10 THE DEPONENT: No.

11 Q BY MR. SALUTE: Can you explain what you mean
12 by your prior statement, then?

13 A Prior to a lieutenant being assigned out
14 physically at LAX, the Canine Section had been overseen
15 by the Lieutenant II assigned to Hazardous Device
16 Section.

17 Q So other than a lieutenant being assigned out
18 as an on-site supervisor, were there any other things,
19 as far as you're aware of, that were done to address the
20 issues that had been raised either in the Patty Fuller
21 lawsuit or any of the other lawsuits?

22 A No.

23 Q So you don't know if there were any kind of
24 policy changes or anything like that in the unit to
25 address those concerns?

1 A No.

2 Q When you took command, did you do anything to
3 address those concerns? And I'm talking about back in
4 2008.

5 A No.

6 Q When you took over as Captain of Emergency
7 Services Division -- I'm gonna shorthand that and say
8 ESD.

9 Is that okay?

10 A Yes.

11 Q So when you took over as captain of ESD in
12 September of 2016, were any of the officers that you had
13 under your command as a lieutenant still there?

14 A Yes.

15 Q Do you recall which officers those are?

16 A Assigned to Bomb K9, I'd probably need to see
17 a roster.

18 MR. KONG: Don't speculate or guess.

19 Q BY MR. SALUTE: Okay. Was Officer Franco --
20 was he there in 2008?

21 A No.

22 Q Was Officer Norwood there in 2008?

23 A Don't believe so.

24 Q Was Officer Borquez there in 2008?

25 A Yes.

1 Q Was Officer Thatcher there in 2008?

2 A No.

3 Q Was Officer Sasajima there in 2008?

4 A No.

5 Q Was Officer Hollenback there in 2008?

6 A No.

7 Q Was Officer Salinas there in 2008?

8 A No.

9 Q Was Officer Getherall there in 2008?

10 A No.

11 Q Was Officer Sauvao there in 2008?

12 A Yes.

13 Q Was Officer Grogan there in 2008?

14 A No.

15 Q Was Officer Long there in 2008?

16 A Yes.

17 Q Was Officer Young there in 2008?

18 A I don't believe so, no.

19 Q Was Officer Phermsangngam there in 2008?

20 A No.

21 Q Was Sergeant Stark there in 2008?

22 A No.

23 Q Was Sergeant Goens there in 2008?

24 A No.

25 Q Was Officer Deluccia there in 2008?

1 A Yes.

2 Q Was Officer Harrington there in 2008?

3 A Yes.

4 Q Were there any officers, other than the ones
5 that I mentioned, that you can now recall that were also
6 there in 2008 --

7 A Yes.

8 Q -- that were still there when you took over
9 as captain?

10 A Sorry. Yes.

11 Q Okay. Who else?

12 A Officer Keortge and Officer Dominguez.

13 Q And when you took over as captain of BDCS in
14 March of 2016, how many officers were in that unit, do
15 you recall?

16 A There would have been 15 assigned positions
17 out at LAX. I don't know how many were filled at the
18 time. And there were three City K9.

19 Q Okay. So you named off seven officers that
20 were there when you had command as lieutenant and when
21 you took over as captain.

22 So is it fair to say that roughly half of the
23 unit was -- were people that were existing during that
24 period of time, from 2008 to 2016?

25 MR. KONG: I think you identified eight names, not

1 seven, if my counting's correct.

2 MS. FRATIANNE: Seven.

3 MR. KONG: Is it seven? Okay. Never mind.

4 Q BY MR. SALUTE: Whether it's seven or eight,
5 roughly half of the unit was there in 2008 and still in
6 2016?

7 A Approximately, yes.

8 Q Okay. And did you form any kind of a --
9 well, let me back up.

10 When you were Lieutenant II in 2008, were
11 there supervisors below you?

12 A Yes.

13 Q And do you recall who those supervisors were?

14 A Sergeant Chris Default and Sergeant Mitch
15 Lambdin.

16 Q And those were Sergeant II positions, II plus
17 II or II plus IIIs; something like that?

18 A I believe they were II plus IIs at the time.

19 Q All right. So that would have been -- so
20 those sergeants would have been kind of the intermediary
21 layer of command between you and the unit?

22 A Yes.

23 Q They're in the chain of command, in other
24 words?

25 A Yes.

1 Q And when you took over in 2008, did you
2 observe any kind of morale issues or anything like that;
3 like, in other words, low morale or anything like that?

4 A By observation, no.

5 Q When you left in 2010, can you tell me what
6 the state of the unit was -- BDCS? In other words, was
7 it -- were they in good spirits, good morale, or how was
8 the unit left when you left?

9 A Good spirits, good morale, very engaged.

10 Q The officers felt like the two sergeants were
11 doing a good job supervising them?

12 MR. KONG: Objection. Foundation, speculation and
13 vague.

14 You can answer if you understand.

15 THE DEPONENT: Everyone has their own opinions. I
16 heard opinions about the supervisors, yes.

17 Q BY MR. SALUTE: Who did you hear opinions
18 from?

19 A Variety of the officers assigned there.

20 Q Was Sauvao one of the more vocal people about
21 issues with supervision at that time?

22 A In 2010 when I left?

23 Q Yeah.

24 A No.

25 Q Was Borquez one of those people?

1 A Yes.

2 Q What was his issue with supervision?

3 A Oh, I don't specifically recall.

4 Q Was Long one of those officers that had an
5 issue with supervision back in 2010 when you left?

6 A Yes.

7 Q What was his issue?

8 A I don't specifically recall.

9 Q Was Deluccia one of those who had an issue
10 with supervision?

11 A No.

12 Q Now, when we're talking about supervision,
13 we're not talking about your supervision, we're talking
14 about the sergeants'; right?

15 A Yes.

16 Q So they had an issue with how the sergeants
17 were dealing with them?

18 A Yes.

19 Q But they didn't have an issue with you?

20 A Not to my knowledge.

21 Q At least not that they told you?

22 A Correct.

23 Q And you didn't hear anything through the
24 grapevine at that time that they had an issue with you,
25 did you?

1 A No.

2 Q All right. And was Deluccia one of the
3 officers that had expressed some issues with
4 supervision?

5 A No.

6 Q What about Harrington, was he one of the ones
7 that had expressed issues with supervision in 2010?

8 A She.

9 Q She.

10 A No, not that I recall.

11 Q What about Keortge, was he one of the ones
12 that expressed issues with supervision in 2010?

13 A She.

14 Q She.

15 A Possibly. I don't really recall.

16 Q And what about Dominguez, was he or she one
17 of the ones that had expressed issues with supervision?

18 A He. No.

19 Q So, essentially, it was, from what I gather,
20 three officers -- Sauvao, Borquez and Long?

21 MR. KONG: Objection. Vague.

22 THE DEPONENT: I don't believe I said Sauvao had.

23 Q BY MR. SALUTE: Oh, I'm sorry. I put a mark
24 next to it.

25 So it was -- who was it? Borquez, Long and

1 Keortge, maybe?

2 A Yes.

3 Q Okay. Based on the information that you
4 received from those three or -- two or three, maybe,
5 officers about supervision, did you talk to command --
6 your command above you about the issues that you heard
7 about the supervision from the officers?

8 A No.

9 Q Did you, before you left in 2010, form any
10 opinions about whether you thought that you needed to
11 change the supervision, meaning change the sergeants, to
12 maybe have better cohesion in the unit, better morale or
13 anything like that?

14 A No.

15 Q So even though you had heard from a couple
16 officers, or maybe three officers, that had some issues
17 with supervision, you didn't feel that it was something
18 that was significant enough that you needed to address
19 any kind of -- any kind of supervision issues there;
20 right?

21 A Correct, I did not.

22 Q Okay. Now, when you took over as captain of
23 Emergency Services Division, ESD, in March of 2016, did
24 you have some goals that you had for the unit at that
25 time? Well, let me ask it this way: I'm gonna narrow

1 it. I'm gonna focus it just on BDCS. Okay?

2 So when you took over in March of 2016, did
3 you have some goals for BDCS that you wanted to achieve
4 at that time?

5 A No.

6 Q Did you have any kind of a change of command
7 briefing with the prior officer in charge of Emergency
8 Services Division?

9 A No.

10 Q Who did you take over for, do you remember?

11 A Rolando Solano.

12 Q And so you never talked to him at all about
13 the unit or anything like that before you took over?

14 A No.

15 Q Did you have any kind of change of command
16 briefing with Horace Frank or anybody else within the
17 command of Emergency Services Division?

18 A Yes.

19 Q Who did you talk to?

20 A I spoke with Commander Frank and with Deputy
21 Chief Downing.

22 Q Was it together or separately?

23 A Separately.

24 Q All right. And do you recall when you spoke
25 with Horace Frank?

1 A No.

2 Q Was it before you took command or after you
3 took command?

4 A Before.

5 Q So you had already been selected for the
6 position and -- before you actually took over; is that
7 fair to say?

8 A Yes.

9 Q Okay. And what did you discuss with
10 Horace Frank?

11 A Specifically, the City K9s.

12 Q What did you discuss about the City K9s?

13 A That over the course of the year or so, that
14 they had been assigned to work with the bomb squad; that
15 they were still working for Lieutenant Garvin under his
16 command, under his supervision, being rated by his
17 supervisors and/or himself; their days off were in with
18 Bomb Detection K9 deployment out of the airport; their
19 availability to respond was still being approved and
20 generated by Bomb Detection K9 supervision out at the
21 airport; and I did not think that that was appropriate.

22 Q Anything else you discussed with
23 Horace Frank?

24 A I don't recall anything else specifically.

25 Q Did he say anything to you that you recall

1 during that meeting?

2 MR. KONG: Don't speculate or guess. If you
3 recall.

4 THE DEPONENT: I don't recall.

5 Q BY MR. SALUTE: All right. During that
6 meeting, did he ever discuss with you any concerns he
7 had with Garvin as a supervisor?

8 A I don't recall.

9 Q I just want to clarify.

10 When you say you don't recall, I'm going to
11 take that to mean you don't remember -- it might have
12 happened or it might have been said, but as you sit here
13 today, you don't recall -- versus "I don't know,"
14 meaning, I don't even know if that happened.

15 MR. KONG: Objection. Compound.

16 You can answer the question.

17 Q BY MR. SALUTE: I'm just clarifying for you,
18 that's the way I'm gonna take it. So if you say, "I
19 don't recall," I'm going to take that to mean "I don't
20 remember." Okay?

21 So with that in mind, does your answer stand
22 in terms of what you said about your conversation with
23 Horace Frank?

24 A When I say I don't recall with regard to the
25 question regarding Lieutenant Garvin, did Commander

1 Frank say anything about that, I do not have any
2 independent recollection as I sit here that he said
3 anything about the lieutenant.

4 Q Okay. That's fair enough. I appreciate
5 that.

6 And at any point during that conversation,
7 did Commander Frank express to you that Garvin had told
8 him or anybody else within the command some concerns
9 that he had regarding you coming in as a captain and
10 maybe favoring certain officers?

11 A No, Commander Frank never told me that.

12 Q So, essentially, as you sit here today, your
13 best recollection is there was a conversation with
14 City K9s, and that's all you can recall; right?

15 A Yes.

16 Q Did he agree with you about what you believe
17 should be done with the City K9s?

18 A Yes.

19 Q So as you took command, what was going to
20 happen with the City K9s?

21 A They were going to be assigned under the
22 supervision of the Hazardous Device Materials
23 supervisors. They were going to get their assignments,
24 their days off and their ratings from the supervisors
25 that they were actually working for.

1 Q So that would be -- so, essentially, you
2 would take them from being under the supervision of
3 Lieutenant II Garvin and put them under the supervision
4 of Lieutenant II -- was it Rick Smith?

5 A Yes.

6 Q Okay. And Commander Frank was okay with
7 that?

8 A Yes.

9 Q And then you said you had a conversation with
10 Deputy Chief Downing?

11 A Yes.

12 Q Do you recall when that occurred?

13 A No.

14 Q Was that, again, a situation where that
15 occurred before you took command?

16 A Yes.

17 Q So after you were selected but before you
18 took command?

19 A Correct.

20 Q And what did you discuss with Chief Downing?

21 A All of it I do not recall. Specifically
22 regarding Bomb Detection K9, he wanted to ensure that I
23 was present out at the airport to find out how the
24 situation out at the airport was.

25 Q Did he say why he wanted you present there?

1 In other words, was there something going on there that
2 he felt needed to be addressed?

3 A Not that he told me specifically, no.

4 Q Did you ask him?

5 A I did not.

6 Q Did you take notes of either meetings with
7 either Commander Frank or Chief Downing?

8 A I did not.

9 Q Did anybody else take notes, as far as you
10 know?

11 A I don't believe so.

12 Q Other than telling you that he wanted you to
13 be present out at the Bomb Detection K9 unit at the
14 airport, did you discuss anything else with Deputy Chief
15 Downing?

16 A No.

17 Q Did he express to you any concerns that he
18 had with Garvin as a supervisor?

19 A Not that I recall, no.

20 Q Did he discuss with you any concerns that
21 Garvin had about you coming in potentially favoring any
22 of the officers in the unit?

23 A No.

24 MR. KONG: Do you need a break or are you okay?

25 THE DEPONENT: Hmm-mm. I'm okay. Thank you.

1 Q BY MR. SALUTE: I'm going to talk to you a
2 little bit about a declaration that you prepared --
3 well, that you signed in connection with this lawsuit.

4 A Mm-hmm.

5 Q Do you recall signing a declaration?

6 A I don't recall signing it, no.

7 Q Okay. I'm just showing you a declaration.
8 It's entitled, "Declaration of Kathryn Meek in Support
9 of Defendant's Motion for Summary Judgment or Any
10 Alternative Summary Adjudication of the Issues in This
11 Case."

12 Do you see that?

13 A Yes.

14 Q Why don't you take a minute and look at that.

15 A (Reviewing.)

16 Okay.

17 Q Now that you got a minute to look at that,
18 does that help refresh your recollection that you signed
19 that?

20 A No.

21 Q That is your signature on page seven, though;
22 right?

23 A Yes.

24 Q Would it have been your practice before
25 signing it to read and review it to confirm that it's

1 accurate?

2 A Yes.

3 Q All right. So I want to have you look at
4 paragraph three on page two. It says, "The BDCS is
5 considered a coveted assignment within the department
6 that entitles sworn officers an advanced pay grade in
7 bonus position for participating in hazardous
8 activities."

9 So that's a true statement; right?

10 A Partly.

11 Q What's incorrect about that?

12 A I think with respect to the coveted part, it
13 was referring only to the lieutenant's position. I
14 believe that's the only coveted position. But all of
15 the positions are advanced pay grade and bonus pay.

16 Q So are you familiar with the term "adverse
17 employment action"?

18 MR. KONG: Objection. Asks for a legal opinion.

19 You can answer to the extent that you have
20 some general knowledge of what that term means, if at
21 all.

22 THE DEPONENT: No.

23 Q BY MR. SALUTE: As a supervisor, do you
24 receive training on the anti-discrimination and
25 retaliation policies in the Los Angeles Police

1 Department?

2 A Yes.

3 Q Is one of the things that you -- well, you're
4 familiar with the anti-retaliation policy?

5 A Familiar, yes.

6 Q What sort of training did you receive in that
7 regard?

8 A I have no specific recollection. Probably
9 E-learning, but I don't know.

10 Q Do you know what constitutes retaliation
11 under the Los Angeles Police Department policy?

12 A Not specifically.

13 Q Generally, do you understand it?

14 A Yes.

15 Q What's your understanding, generally, of what
16 the Los Angeles Police Department policy states in terms
17 of retaliation?

18 A That you cannot treat someone differently or,
19 your term, adversely, because they participate in a
20 protected activity.

21 Q And do you have an understanding of what
22 constitutes protected activity under Los Angeles Police
23 Department policy?

24 A Vaguely.

25 Q Can you tell me what your vague understanding

1 is of that?

2 A Sure. For participating in a complaint
3 investigation; for filing a lawsuit; for supporting
4 people who did or are participating in those activities.

5 Q All right. What about if somebody reports
6 something -- an officer or supervisor reports that a --
7 another officer may have potentially engaged in unlawful
8 conduct; is that one of the things that you understand,
9 under Los Angeles Police Department policy, is a
10 protected activity?

11 A Yes.

12 Q And so your understanding is that if a
13 supervisor makes a report that another officer may have
14 engaged in some kind of unlawful conduct, that taking an
15 adverse action against him may constitute retaliation
16 under Los Angeles Police Department policy?

17 MR. KONG: Hold on one second.

18 Improper hypothetical; assumes facts not in
19 evidence; foundation; speculation.

20 You can answer if you know.

21 THE DEPONENT: That is the -- the answer to that
22 question, no, I think. I'm sorry.

23 MR. KONG: Why don't we have her read it back.

24 (The following question was read by
25 the reporter:

1 "Q And so your understanding is
2 that if a supervisor makes a report that
3 another officer may have engaged in some kind
4 of unlawful conduct, that taking an adverse
5 action against him may constitute retaliation
6 under Los Angeles Police Department policy?"

7 MR. KONG: Same objections, and also I'm gonna add
8 objection based on asking for a legal opinion.

9 Go ahead. You can answer if you know, but
10 only based on your general understanding of what
11 retaliation is, which is that definition he gave you
12 earlier.

13 MR. SALUTE: Okay. Not asking her about anything
14 legal, because I'm asking her about her understanding of
15 Los Angeles Police Department policy.

16 Q You understand that -- right -- that's what
17 I'm asking?

18 A Yes.

19 Q Okay. So I'm gonna rephrase it.

20 Under Los Angeles Police Department policy,
21 is it your understanding that the policy of the
22 department is that it may constitute retaliation for
23 taking an adverse action against a supervisor for
24 reporting that another officer may have engaged in
25 unlawful conduct?

1 MR. KONG: Again, same objections. Improper
2 hypothetical, assumes facts not in evidence, foundation,
3 speculation, and also asks for legal opinion.

4 You can answer to the extent you know, based
5 on your general understanding.

6 THE DEPONENT: Yes.

7 Q BY MR. SALUTE: When is the last time that
8 you took any kind of training on Los Angeles Police
9 Department policy in regards to their retaliation
10 policy?

11 A I don't know.

12 Q What about, when is the last time that you
13 took any kind of training in regards to Los Angeles
14 Police Department policy in terms of discrimination?

15 A I don't know.

16 Q Has it been within the last five years?

17 A Yes.

18 Q Within the last three years?

19 A Yes.

20 Q Within the last two years?

21 A Yes.

22 Q Within the last year?

23 A I don't know.

24 Q What kind of training did you take?

25 A E-learning, on the computer.

1 Q Is it a video or something, or what is it?

2 A Yes.

3 Q So you watch a video and then, what, you have
4 to answer some questions?

5 A Yes.

6 Q How long is the video?

7 A Several hours.

8 Q As a captain in the Los Angeles Police
9 Department, is it your responsibility to know and
10 understand Los Angeles Police Department policy?

11 A Yes.

12 Q Do you feel it's important to know and
13 understand those policies?

14 A Yes.

15 Q And is it important to know those policies so
16 that you can understand how to address certain personnel
17 issues?

18 A Yes.

19 Q So going back to paragraph three, just so I
20 understand what you're saying, so the Lieutenant II
21 position that was previously held by Lieutenant Garvin,
22 that was a coveted assignment within the police
23 department?

24 A I believe it is, yes.

25 Q And when we're talking about coveted

1 assignments, that's an assignment that requires
2 publication for notice of the vacancy and an opportunity
3 to allow officers, or supervisors, to apply for the
4 position?

5 A No.

6 Q What does "coveted" mean within the
7 Los Angeles Police Department?

8 A Generally, a coveted position is a position
9 of advanced responsibility where it's intended for
10 promotability purposes.

11 Q Okay. And so if somebody is removed
12 involuntarily from a coveted position, does that have a
13 tendency, within the Los Angeles Police Department, to
14 affect that person's ability to promote later on?

15 MR. KONG: Objection. Foundation, speculation, and
16 vague.

17 You can answer if you know or understand the
18 question.

19 THE DEPONENT: It could.

20 Q BY MR. SALUTE: How could it?

21 MR. KONG: Objection. Improper hypothetical,
22 assumes facts not in evidence, foundation, and
23 speculation and vague.

24 You can answer if you know.

25 THE DEPONENT: It would depend on someone making a

1 decision whether or not that was an issue.

2 Q BY MR. SALUTE: Well, you've been a captain
3 for a number of years; right?

4 A Yes.

5 Q So if somebody gets removed from a coveted
6 position involuntarily, is that viewed favorably by
7 other supervisors, including yourself, within the
8 Los Angeles Police Department?

9 MR. KONG: Objection. Foundation; speculation.
10 You can answer.

11 THE DEPONENT: Generally, no.

12 Q BY MR. SALUTE: It indicates there's a
13 problem with that particular supervisor; right?

14 MR. KONG: Objection. Vague.

15 You can answer.

16 THE DEPONENT: The supervisor or the situation
17 involved.

18 Q BY MR. SALUTE: In your experience, if you
19 have somebody who was working in a coveted position and
20 they subsequently apply for another coveted position --
21 well, let me withdraw it. I'll ask it later. That's
22 all right.

23 Looking at paragraph four, it says that "I
24 know that Garvin was the lieutenant of BDCS for a number
25 of years before I arrived as captain. I never had the

1 opportunity to work with Garvin; did not know him other
2 than seeing him briefly in passing at BDCS functions."

3 So, essentially, you didn't know Garvin
4 before you came to -- came as captain of ESD?

5 A Personally, no.

6 Q Did you know about him anything?

7 A Only what I had heard.

8 Q Okay. Well, before you got into -- before
9 you were transferred in as captain of ESD, did you hear
10 anything about Garvin as a supervisor?

11 A Yes.

12 Q Okay. What did you hear?

13 A I heard that he was not personable; that he
14 was prone to loud fits of rage; that he was a
15 micromanager; that he was always in the office, never
16 out in the field.

17 Q This is stuff you heard before you came on as
18 captain?

19 A Yes.

20 Q So you testified that you didn't hear any of
21 these things, as far as you recall, from Frank; right?

22 A Correct.

23 Q And you didn't hear any of these things, as
24 far as you recall, from Chief Downing; right?

25 A Correct.

1 Q Okay. So who did you hear these things from?

2 A The officers and supervisors assigned to Bomb
3 Detection K9.

4 Q When did you first discuss these things with
5 any of the officers or supervisors in Bomb Detection K9
6 unit before you came on as captain?

7 A I never had a discussion with anyone. I just
8 heard the comments.

9 Q From who?

10 A Variety of people.

11 Q When did you first hear these comments?

12 A Years before I took command.

13 Q Okay. Tell me every person that you heard
14 the comment that he was not personable.

15 A Oh, I can't recall individual people for
16 each comment.

17 Q Tell me the first time you heard that he was
18 not personable.

19 A I could not tell you.

20 Q Can you tell me where you might have heard
21 this?

22 MR. KONG: Objection. Speculation; foundation.

23 Don't speculate or guess.

24 THE DEPONENT: No idea.

25 Q BY MR. SALUTE: Can't tell me where, can't

1 tell me when, can't tell me who; is that right?

2 A I can't tell you specifically as to each of
3 those statements who told me, no. I do not recall.

4 Q Okay. Well, I'm just focusing on the
5 personable part. So now let's talk about the prone to
6 loud fits of rage.

7 Give me a single person that told you that
8 before you took command.

9 A Laurie Harrington; Tom Deluccia; Vanessa
10 Keortge; Mitch Lambdin; maybe Deana Stark. Possibly
11 others.

12 Q When did Harrington tell you that he, Garvin,
13 was prone to loud fits of rage?

14 A I don't recall.

15 Q When did she tell you that?

16 A I don't recall.

17 Q Where did she tell you that?

18 A I don't recall.

19 Q Did you take any notes of that conversation?

20 A No.

21 Q How would you have been talking to Harrington
22 about Garvin?

23 MR. KONG: Objection. Speculation; vague.

24 You can answer if you understand the
25 question.

1 THE DEPONENT: I don't understand the question.

2 Q BY MR. SALUTE: Well, at some point, did you
3 have a conversation with Harrington about Garvin when
4 this came up?

5 A I recall one specific comment, but other than
6 that, I can't recall anything.

7 Q Okay. What's the comment you recall?

8 A At a -- I don't know if it was a promotion
9 ceremony or a leaving-the-unit ceremony, Dominic Sapparo
10 had an event to which they had invited me, and Laurie
11 Harrington relayed to me that Lieutenant Garvin had
12 said, "What the fuck is she doing here?"

13 Q Was Garvin there?

14 A Yes.

15 Q In other words, he was asking Harrington what
16 the fuck you were doing there?

17 A Correct.

18 Q But you had no idea -- you never worked with
19 Garvin before, had no relationship with him at all in
20 terms of work relationship or anything like that before
21 that?

22 A Correct.

23 Q Did you know who Garvin was?

24 MR. KONG: Objection. Vague as to time.

25 Q BY MR. SALUTE: At that promotion ceremony,

1 or whatever that thing was where Harrington made
2 this comment to you.

3 A I knew he was the lieutenant at Bomb
4 Detection K9.

5 Q But other than that, you didn't -- you
6 wouldn't have recognized him or anything?

7 A No.

8 Q Did you find it odd that he would have made a
9 comment like that?

10 MR. KONG: Objection. Vague; speculation.

11 You can answer.

12 THE DEPONENT: I don't know why he would.

13 Q BY MR. SALUTE: Do you remember where the
14 event was?

15 A At Jerry's Deli in the Marina.

16 Q Was anybody in your presence and
17 Officer Harrington's presence when -- I mean, was there
18 anybody there besides the two of you when she said this?

19 A I don't recall, no. And it might not have
20 been that event. It might have been at The Proud Bird
21 when Sergeant Lambdin was leaving, but I don't recall.

22 Q Do you remember when that event was?

23 A No.

24 Q So other than that comment from Harrington
25 saying, "What the fuck is she doing here," did

1 Harrington convey anything else to you before you
2 took command, about Garvin?

3 A Not specifically that I recall, no.

4 Q What about Deluccia; what did he say to you
5 before you took command, about Garvin?

6 A He had told me numerous incidents that he had
7 had with Lieutenant Garvin.

8 Q Was this in the course of one conversation or
9 multiple conversations?

10 A Multiple conversations.

11 Q How many?

12 A I have no idea.

13 Q More than ten?

14 A Probably.

15 Q Are you friends with Deluccia?

16 A Yes.

17 Q Do you socialize with him?

18 A Yes.

19 Q How long have you been friends?

20 A Ten years; 12 years; 15 years. I don't know.

21 Q Were you friends before you were the
22 Lieutenant II of Bomb Detection K9?

23 A No.

24 Q So you became friends during that time?

25 A Yes.

1 Q And remained friends after?

2 A Yes.

3 Q How often do you socialize with him?

4 A I'm social with him. I don't socialize.

5 Maybe that was the incorrect word to respond yes to.

6 Q Okay. Well, do you do things outside of work
7 with him?

8 A Occasionally, coffee; dinner.

9 Q How long have you been doing that for?

10 A Years.

11 Q So during these coffees and dinners and,
12 what, telephone calls --

13 A Occasionally.

14 Q He would talk to you about Garvin?

15 A Occasionally.

16 Q What did he tell you about Garvin before you
17 took command?

18 A He had told me that Garvin tried to take his
19 dog when he went on military at one point. He told me
20 that Garvin had told him to call in sick when he was on
21 military duty. Those are the only two I can recall at
22 the moment.

23 Q Okay. Now, at the time that he was having --
24 or Deluccia was conveying these his things to you -- I
25 understand they may have been in a social setting, but

1 did you have an understanding that he was conveying to
2 you some kind of misconduct by Garvin?

3 A He told -- it possibly could have been, but
4 he told me that he had already resolved those issues
5 otherwise.

6 Q Okay, well, whether he resolved them or not,
7 did you believe that he was conveying misconduct to you?

8 A No.

9 Q If he was conveying misconduct to you, you
10 would have had an obligation to report it; right?

11 A Yes.

12 Q But you didn't report it; right?

13 A Correct.

14 Q Because you didn't believe it was misconduct;
15 right?

16 A Correct.

17 Q Anything else that Deluccia conveyed to you
18 other than those two things?

19 A Not that I specifically recall.

20 Q All right. What about Keortge; what did
21 Keortge say to you before you took command?

22 A I don't recall specifically.

23 Q Well, do you recall generally what Keortge
24 told you?

25 A No.

1 Q Do you recall anything that Keortge told you
2 about Garvin?

3 A No.

4 Q Why did you bring up Keortge, then?

5 A Because I know she had negative things to say
6 to him. I recall that. I don't recall specifically.

7 Q And do you recall where Keortge might have
8 said these things to you?

9 A No.

10 Q Do you recall how Keortge may have said these
11 things to you, in person or over the phone or email;
12 anything like that?

13 A No recollection, no.

14 Q Now, when Harrington conveyed to you that
15 comment about "What the fuck is she doing here," did you
16 believe that was an inappropriate comment?

17 A I didn't care.

18 Q You weren't offended by that comment?

19 A No.

20 Q Didn't upset you?

21 A No.

22 Q Didn't believe that was any kind of
23 misconduct under LAPD policy?

24 A No.

25 Q And you also mentioned that Lambdin had --

1 or, you learned from Lambdin some information about
2 Garvin, as well, before you took command?

3 A Yes.

4 Q What did Lambdin discuss with you or tell you
5 or convey to you?

6 A I don't recall.

7 Q Do you recall how Lambdin conveyed it to you?

8 A No.

9 Q You don't recall whether it was by telephone,
10 email, in person, or anything like that?

11 A I don't recall, no.

12 Q Okay. And you don't recall where Lambdin
13 might have told you this information?

14 A No.

15 Q You just recall something that it was
16 negative?

17 A Yes.

18 Can we take a break?

19 Q Sure.

20 (Recess was taken.)

21 Q BY MR. SALUTE: I think we left off with
22 Lambdin. So let's talk about Stark.

23 What do you recall Stark telling you about
24 Garvin before you took command?

25 A I don't recall specifically what any person

1 said to me. With the -- the people that are currently
2 employed is a different story than the people who are no
3 longer employed there.

4 When they would complain, generally, about
5 Lieutenant Garvin, my recommendation to all of them was
6 they needed to go to Commander Frank and/or Deputy
7 Chief Downing and have an exit interview when they left
8 the unit and tell them what was going on there and their
9 issues with the lieutenant and -- to a person -- they
10 did not do that. But that was my recommendation to
11 them. They were general complaints. I don't recall
12 specifically what anybody told me.

13 Q Well, you mentioned four specific comments
14 that you recall --

15 A Mm-hmm.

16 Q -- people had made to you at the outset of
17 this line of questioning, and I want to go back to
18 those.

19 So one of the things that you had mentioned
20 was that Garvin was prone to loud fits of rage.

21 Do you recall anybody specifically who told
22 you that?

23 A I believe Deluccia did, I believe Lambdin
24 did, but I don't specifically recall.

25 Q You don't remember where these conversations

1 took place?

2 A No.

3 Q And you don't recall whether they were --
4 well, first of all, you don't recall whether they were
5 in person or some other form of communication; is that
6 right?

7 A I don't recall.

8 Q And you don't recall when they made these
9 comments to you?

10 A No.

11 Q And when Deluccia and/or Lambdin told you
12 that Garvin was prone to loud fits of rage, what did you
13 take that to mean?

14 A That he yelled.

15 Q Did that type of conduct concern you?

16 A I didn't know the context, so no.

17 Q And is it fair to say that when you were told
18 that information, you didn't convey that to anybody
19 within Garvin's chain of command?

20 A I did not.

21 Q Why didn't you feel it was important to
22 convey that information within his chain of command?

23 A Because I didn't know the context and
24 secondhand, I gave the advice to the people involved,
25 they needed to go and do that if they had a concern.

1 Q Now, another comment that you had made was
2 that one or more people had told you that Garvin was a
3 micromanager?

4 A Yes.

5 Q And what did you take that to mean?

6 A That he either made all the decisions or
7 scrutinized the decisions made by, specifically, his
8 supervisors.

9 Q And do you recall anybody who you recall told
10 you that?

11 A All four of the supervisors told me that at
12 one time or another.

13 Q This was before you took command?

14 A Yes.

15 Q So when you say all four supervisors, who are
16 we talking about?

17 A Sergeants Default, Lambdin, Goens and Stark.

18 Q Do you know when Lambdin was a supervisor in
19 BDCS?

20 A The dates, no.

21 Q Do you know when Stark was a supervisor in
22 BDCS?

23 A No.

24 Q Do you know when she started?

25 A No, I do not.

1 Q You don't even know if she started after you
2 became captain there?

3 A She was in place when I made captain.

4 Q But it's your specific recollection that she
5 is one of the people that told you before you took
6 command of ESD that Garvin was a micromanager?

7 A Immediately -- that would have -- Deana would
8 have been immediately before, yes.

9 Q Okay. And you don't recall where that took
10 place -- where that conversation took place; right?

11 A I do not.

12 Q And the other comment that you had mentioned
13 was that Garvin was always in the office and not in the
14 field; right?

15 A Yes.

16 Q Okay. And do you recall anybody that told
17 you that?

18 A Handlers and supervisors, but I don't recall
19 specifically, no.

20 Q And is it fair to say that of those
21 four comments -- that he was not personable; that he was
22 prone to loud fits of rage, meaning he yelled; that he
23 was a micromanager; and he was always in the office and
24 not in the field -- you didn't convey any of that
25 information that you learned to anybody in Garvin's

1 command staff prior to your taking command; is that
2 right?

3 A Correct.

4 Q Do you know who John Incontro is?

5 A I do.

6 Q Who is John Incontro?

7 A He was the captain at Emergency Services
8 Division prior to Rolando Solano.

9 Q Are you friends with him?

10 A I am friendly with him.

11 Q Is he somebody that you felt confident in
12 discussing work issues with?

13 A Yes.

14 Q Did he ever discuss with you any issues that
15 he had with Garvin?

16 A No.

17 Q Other than Incontro, Frank or Downing, was
18 there anybody else that was in command staff that
19 conveyed to you any concerns they had with Garvin or his
20 supervision before you took command of ESD?

21 A No.

22 Q I want to go back to your declaration
23 starting at paragraph six. It says, "On or about
24 April 24th of 2016, I received a call from Garvin, who
25 advised me about an incident involving a BDCS

1 employee."

2 Can you please tell me about that phone call?

3 A Lieutenant Garvin called me and told me that
4 there had been an issue with Officer Hollenback and
5 Officer Sauvao during one of the TSA evaluations.

6 MR. KONG: Again, let me just pre-instruct
7 Captain Meek, do not disclose any information that would
8 otherwise be contained within a personnel investigation
9 against Officer Sauvao or any other officer.

10 MR. SALUTE: Well, that's not entirely true, but if
11 you're gonna give her that instruction, I guess we'll go
12 with it, because this was information that she learned
13 before a complaint was initiated. But anyway.

14 MR. KONG: Ask your next question.

15 Q BY MR. SALUTE: So what did you understand
16 that Garvin was telling you when he called you?

17 A He told me that Officer Hollenback believed
18 that someone had tried to tamper with his TSA
19 evaluation.

20 Q Did he say anything else?

21 A He said that Sergeant Stark had responded,
22 that they had found pieces of kong.

23 Q Is there anything else that you recall during
24 that conversation?

25 A I'm sure he said other things I don't recall.

1 Q And did you say anything to him?

2 A I'm sure I did.

3 Q What did you say?

4 A I don't recall.

5 Q Did you understand that he was reporting
6 potentially unlawful conduct?

7 A Yes.

8 Q What was the unlawful conduct?

9 A The tampering with a federal canine
10 evaluation, potential.

11 Q Did you tell him to do anything?

12 A I believe Lieutenant Garvin asked if they
13 should call internal affairs for the rollout team, and I
14 said yes.

15 Q And what did he say?

16 A I don't know if it was in that call or
17 perhaps a subsequent call that he had called them, and
18 they had declined to respond.

19 Q Okay. Anything else that you recall being
20 discussed during that conversation?

21 A The initiation of a personnel complaint.

22 Q Okay. What was discussed about that?

23 A That, I believe, Deana Stark was going to
24 complete the intake.

25 Q How did you come to that understanding?

1 A I believe the lieutenant told me.

2 Q Garvin?

3 A Yes.

4 Q Is there anything else that you recall being
5 discussed during that conversation?

6 A Not specifically, no.

7 Q Did you have any understanding that -- in
8 making that phone call and reporting to you the
9 potential unlawful conduct, that according to
10 Los Angeles Police Department policy, that he, Garvin,
11 had engaged in a protected activity?

12 MR. KONG: Objection. Calls For an improper legal
13 opinion; foundation; speculation.

14 Again, you can answer based on your
15 understanding.

16 THE DEPONENT: That was not my understanding. It
17 was my understanding he had done his job.

18 Q BY MR. SALUTE: Before Garvin had made that
19 phone call to you, had you heard anything about this
20 tampering incident?

21 A No.

22 Q So he was the first person you heard it from?

23 A I believe so.

24 Q At some point, did you come to learn that
25 there was a personnel complaint that had been initiated?

1 A Yes.

2 Q From who?

3 A Whether it was Lieutenant Garvin or
4 Sergeant Stark, one of them -- I believe it was
5 Sergeant Stark was going to initiate the complaint,
6 intake.

7 Q But I'm saying, at some point, did you learn
8 that that, in fact, had been done?

9 A I'm sure I did, but I don't have a
10 recollection of it.

11 Q Did you have an understanding as to what type
12 of a complaint had been initiated? In other words, was
13 it some kind of a criminal complaint or just a general
14 personnel complaint?

15 A We did not investigate it, and I don't know
16 whether or not it was looked into as a criminal
17 complaint by Internal Affairs.

18 Q At some point after the initiation of the
19 complaint, did you come to learn that, in fact, it was
20 characterized as a criminal complaint?

21 A No.

22 Q And why did you -- what about the information
23 that was conveyed to you about Garvin during that phone
24 call indicated to you that the conduct may constitute
25 misconduct so that a 128 should be cut?

1 A If the behavior would result -- or if the
2 misconduct would result in some kind of discipline, if
3 that behavior were to be true, then, yes, we should
4 investigate it.

5 And based on what the lieutenant and/or
6 Sergeant Stark -- I don't know if I specifically spoke
7 with her -- expressed to me, that Officer Hollenback
8 believed that someone had intentionally tampered with
9 his evaluation.

10 Q Tell me about the TSA evaluation process.
11 Well, under Bond Detection K9 Section, are there dogs
12 that are called TSA-certified dogs?

13 A All the dogs in the Bomb Detection K9 Section
14 signed to the airport are TSA certified.

15 Q And what does that mean, that they're TSA
16 certified?

17 A They are either TSA procured or City dogs who
18 have gone through an evaluation process similar to the
19 TSA dogs and they go through an annual re-certification
20 process. They have to be certified to handle calls and
21 respond to situations at the airport.

22 Q And "TSA" meaning Transportation Safety
23 Administration?

24 A Security, yes.

25 Q Okay. Security.

1 And that's a federal program?

2 A Yes.

3 Q Does the Bomb Detection K9 Section -- well,
4 at least back when this call came in to you in 2016, was
5 part of the funding that was received to the unit or to
6 that program -- was that federal funding?

7 A There is a stipend that is paid, reimbursable
8 to the Los Angeles World Airport that is then paid to
9 the City of Los Angeles for each of the canine teams.

10 Q And so, kind of, the bottom line here is that
11 the dogs that work within the Bomb Detection K9 Section
12 are TSA certified and partially funded through the
13 federal government; right?

14 A Correct.

15 Q That's the only way they can operate within
16 the airport; right?

17 A Correct.

18 Q And so, periodically, they have to undergo
19 some kind of testing?

20 A Annual re-certification.

21 Q And if they don't meet that annual
22 re-certification, are they allowed to continue working
23 in the airport?

24 A No, they cannot respond to calls.

25 Q And so if, let's say, Hollenback failed that

1 certification, he and his dog would not have been able
2 to respond to calls in the airport?

3 A Until they had passed a certification, yes.

4 Q All right. I want to go on to
5 paragraph seven of the declaration. It says, "By May of
6 2016, I had the opportunity to work with and observe
7 Garvin's work as a supervisor."

8 So you came in in March, and May is just a
9 couple months later; right?

10 A Correct.

11 Q So tell me how you had the occasion to
12 observe Garvin's work.

13 A As I had been directed by Chief Downing, I
14 had been out to the airport; I had spoken to the
15 supervisors; I had heard the same things that I had
16 heard previously; I had noted Lieutenant Garvin in Metro
17 Bomb Facility.

18 Q Okay. What specific things did you do to
19 actually observe Garvin in his work as a supervisor?

20 A I was out at LAX.

21 Q Okay. How many times were you out at LAX
22 between the time that you took command in March of 2016
23 and May of 2016?

24 A I have no idea.

25 Q Was it more than five?

1 A I have no idea.

2 Q Was it more than ten?

3 A I have no idea.

4 MR. KONG: Objection. Asked and answered.

5 You can answer. Go ahead.

6 THE DEPONENT: I have no idea.

7 Q BY MR. SALUTE: Were you there every day?

8 A No.

9 Q How many days did you work, generally, in --
10 between March of 2016 and May of 2016?

11 A I have no idea.

12 Q Do you have a usual schedule that you worked?

13 A No.

14 Q Did you have a usual day that you would go
15 out to the Bomb Detection K9 Section?

16 A No.

17 Q Is there anything that you could look at that
18 would help to refresh your memory as to how many times
19 you did go out there between March of 2016 and May of
20 2016?

21 A No.

22 Q Do you maintain some kind of a schedule, like
23 a written schedule --

24 A No.

25 Q -- calendar; anything like that?

1 A I don't put that on my calendar.

2 Q Do you have a City vehicle?

3 A Yes.

4 Q So you didn't have to log your miles or
5 anything like that?

6 A No.

7 Q As you sit here today, is there anything that
8 you can think of that would help to refresh your memory
9 as to how many times you went out there between March of
10 2016 and May of 2016?

11 A No.

12 Q And you have no idea, can't even estimate for
13 me, the number of times you went out there?

14 A I cannot.

15 Q Do you recall the first time that you
16 actually went out to the Bomb Detection K9 Section after
17 you took command in March of 2016?

18 A I do not.

19 Q Well, between March of 2016 and May of 2016,
20 you indicated that you may have gone out and spoken to
21 various officers and supervisors in the unit; is that
22 right?

23 A Yes.

24 Q Okay. Do you recall how many times you did
25 that?

1 A No.

2 Q Do you recall the first time you did that?

3 A No.

4 Q Do you recall who -- the first person you
5 spoke to in the unit when you did that?

6 A No.

7 Q And what was your purpose in doing that?

8 MR. KONG: Objection. Vague.

9 You can answer if you understand the
10 question.

11 THE DEPONENT: To go out and see how the section
12 was functioning.

13 Q BY MR. SALUTE: Okay. Do you recall the
14 first time that you even had a meeting with Garvin?

15 A No.

16 Q Do you recall what was discussed during the
17 first meeting you had with Garvin?

18 A No.

19 Q After you took command, do you recall even
20 having like a chain of command meeting with Garvin where
21 you told him what your goals were in the unit or
22 anything like that?

23 A No, I don't recall.

24 Q Did you have such a meeting?

25 A I don't recall.

1 Q So on what basis do you say that by May of
2 2016, you had the opportunity to work with and observe
3 Garvin's work?

4 A Just because I don't remember the specific
5 dates and times when I did that does not mean I did not
6 observe him or have a conversation with him. I just
7 don't recall.

8 Q Okay. But my question was, what do you base
9 that statement on?

10 A My observations and my conversations.

11 Q Okay. But you don't recall any of those
12 conversations or any of those observations?

13 A Not as I sit here, no.

14 Q And did you take notes of any of those
15 observations?

16 A No.

17 Q It says, "During the time" -- "During that
18 time, I learned and took note of the following
19 concerns."

20 A That's a figure of speech, not that I took
21 physical notes.

22 Q Okay. Fair enough.

23 And it says, "First Garvin began drafting
24 policy changes and new programs altering BDCS's overall
25 mission without first consulting with me."

1 So what was the first policy change that he
2 drafted without first consulting you?

3 A I don't recall.

4 Q Well, and then it says, "Garvin began
5 drafting new programs without first consulting me."

6 So what was the first program that he began
7 without consulting you?

8 A I don't recall.

9 Q It says, "Not only was this not
10 his responsibility" -- so it was not his responsibility
11 to draft policy changes in the unit?

12 A It's not his responsibility, no. If he were
13 to have a suggestion, he could bring that to me, but
14 that's not how tht happened. The lieutenant would
15 prepare an entire policy.

16 And I do recall sitting with him and telling
17 him his time could be better spent out in the field
18 watching training; watching the dogs; providing
19 supervision.

20 Q Did he have the authority -- I'm talking
21 about Garvin.

22 Did he have the authority as a Lieutenant II
23 to draft policy changes?

24 A No.

25 Q So he was acting outside of the scope of his

1 authority?

2 A Again, he could make recommendations but -- I
3 don't have the authority to make policy changes.

4 Q Okay. When you say "drafting policy
5 changes," was he actually changing policy, or was he
6 drafting suggestions for policy changes?

7 A In my mind, he was drafting policy changes.
8 Suggestions could have been provided to me in a
9 conversation; in a phone call; in an email. He would
10 create entire documents, official department-type
11 documents, prior to discussing it with me at all.

12 Q And would he implement them?

13 A No.

14 Q Why would he send them to you?

15 A Probably, I believe, in hopes of me adopting
16 them.

17 Q Did you adopt any of the policy changes that
18 he had suggested?

19 A No.

20 Q Thought they were all bad ideas?

21 A I don't even recall them at this time.

22 Q Okay. Do you recall a single policy change
23 that he drafted without first consulting you?

24 A No.

25 Q Okay. Do you recall a single new program --

1 well, first of all, did Garvin have the authority to
2 begin new programs in BDCS without first consulting you?

3 A No.

4 Q Do you recall a single new program that he
5 had created without consulting you?

6 A Program, no.

7 Q Did he implement any new programs without
8 consulting you?

9 A Yes.

10 Q What program?

11 A He tried to -- well, he tried to implement
12 the ticket program.

13 Q And you're suggesting he did not have the
14 authority to do that?

15 A He did not discuss it with me prior. I would
16 have told him that was not the unit's mission. So no,
17 he did not.

18 Q My question was a little different.

19 My question was, did he have the authority to
20 implement that program?

21 A Not in my opinion, no.

22 Q Do you believe that he was committing some
23 kind of misconduct by implementing that program?

24 A No.

25 Q When supervisors act outside of their

1 authority, or exceed their authority, in the Los Angeles
2 Police Department, does that constitute misconduct,
3 under LAPD policy?

4 A Not --

5 MR. KONG: Hold on.

6 Objection. Foundation; vague.

7 You can answer.

8 THE DEPONENT: Not necessarily.

9 Q BY MR. SALUTE: Okay. So he implemented this
10 ticket program, and you told him to stop?

11 A Correct.

12 Q And the next sentence says that "the changes
13 threatened to disrupt the standard operating procedures
14 of BDCS."

15 What standard operating procedures of BDCS
16 were disrupted by implementing the ticket program?

17 A The officers should be available for calls,
18 to respond to radio calls for unattended vehicles or
19 items or packages. That's their function, to deter and
20 detect explosives in the transportation environment.

21 To have them writing citations for traffic
22 violations when we have LAPD personnel and World Airport
23 police personnel who are assigned to do that, should
24 they be tied up on that, writing a ticket, making an
25 arrest, impounding a vehicle -- that diminishes the

1 ability for them to do high visibility and to respond to
2 calls for service. That was not their function.

3 Q What exactly was it that Garvin had
4 implemented with regard to the ticket program?

5 A It was my understanding from Lieutenant Rick
6 Smith that he had been at a joint roll call with Bomb
7 Squad and Bomb Detection K9, and Lieutenant Garvin had
8 said he was going to be issuing ticket books to everyone
9 so they could spend their time writing citations.

10 Q So that was the program, as you understood
11 it -- well, withdrawn.

12 So Garvin said that he was issuing ticket
13 books to the officers so that the officers could spend
14 their time writing citations? That's what he said?

15 A I don't know his specific words. That was
16 what was relayed to me.

17 Q And did you discuss that comment with Garvin?

18 A I did.

19 Q When did you do that?

20 A I believe I called him immediately upon
21 hearing that.

22 Q And what did you say?

23 A I told him we were not going to be doing
24 that. We were not going to be issuing ticket books for
25 citations. That was not their mission.

1 Q And by issuing ticket books to the officers
2 in BDCS, did you believe at that time that
3 Lieutenant Garvin had not acted appropriately as a
4 supervisor?

5 A I believe if that was something he wanted to
6 implement, he should have discussed it with me before
7 implementing that policy, and I do not believe that
8 that's an appropriate use of their time.

9 Q Do you recall when that occurred?

10 A No, I do not.

11 Q Do you recall, was it between March of 2016
12 and May of 2016?

13 A I don't recall. I don't know if it was after
14 or before. I don't know.

15 Q I want to go on to page four of your
16 declaration, starting at the top. It says, "Second, I
17 heard that Garvin lacked strong interpersonal and
18 communication skills necessary for him to relate and
19 communicate well with his subordinates."

20 So when is the first time that you, after
21 taking command -- well, I assume this is after taking
22 command; is that right?

23 A I heard that before and after.

24 Q So when you're referencing the comments you
25 heard before taking command, those are the comments you

1 relayed to me earlier?

2 A Yes.

3 Q Was there any other comments other than the
4 comments you relayed to me earlier that you heard that
5 led you to believe that Garvin lacks strong
6 interpersonal and communication skills?

7 A No.

8 Q Then it says, "I heard from several of
9 Garvin's subordinates that he often used profanity and
10 abusive language while at work and bullied his
11 employees."

12 So when did you first learn after taking
13 command in March of 2016, that Garvin often used
14 profanity at work?

15 A I don't know.

16 Q Are there any documents that you could look
17 at to help refresh your recollection?

18 A No.

19 Q Do you recall where you first heard from
20 anybody, after taking command in March of 2016, that
21 Garvin used profanity?

22 A I don't specifically recall, no.

23 Q Do you recall where you first heard, after
24 taking command in March of 2016, that Garvin often used
25 profanity?

1 A No.

2 Q Do you recall when you first learned, after
3 taking command in March of 2016, that Garvin often used
4 abusive language?

5 A No.

6 Q Do you recall when you first learned, after
7 taking command in March of 2016, that Garvin often used
8 abusive language?

9 A No.

10 Q It also says that -- in that same sentence,
11 that Garvin bullied his employees; right?

12 A I see that, yes.

13 Q Well, that's something you attested to under
14 penalty of perjury; right?

15 A Yes.

16 Q Can you tell me when you first learned, after
17 March of 2016, that Garvin bullied his employees?

18 A I don't recall.

19 Q Do you recall where you first learned, after
20 March of 2016, that Garvin bullied his employees?

21 A No.

22 Q The first part of that sentence says, "I
23 heard from several of Garvin's subordinates."

24 Tell me every subordinate that you learned
25 this information from.

1 A I don't recall.

2 Q Do you recall one?

3 A I believe I already stated, Officer
4 Harrington.

5 Q Okay. Well, I'm talking about after you
6 took command in March of 2016, who told you, of Garvin's
7 subordinates, that he often used profanity?

8 A I don't recall.

9 Q Okay. After March of 2016, who of Garvin's
10 subordinates told you that he often used abusive
11 language while at work?

12 A I don't recall.

13 Q After March of 2016, who of Garvin's
14 subordinates told you that he bullied his employees?

15 A I don't recall.

16 Q His use of profanity in the workplace -- is
17 that against LAUSD -- let me withdraw that.

18 Is use of profanity in the workplace at
19 Los Angeles Police Department against department policy?

20 A It is frowned upon, yes.

21 Q Well, there's a difference between frowned
22 upon and in violation of department policy, so I want to
23 just clarify that.

24 In your understanding of Los Angeles Police
25 Department policy, is use of profanity in the workplace

1 a violation of department policy?

2 A No.

3 Q Is use of abusive language at the workplace a
4 violation of Los Angeles Police Department policy?

5 A Could be.

6 Q Okay. Well, when you say "abusive language"
7 here, what are you referring to?

8 A I don't recall what I was referring to.

9 Q Well, what type of language -- what type of
10 abusive language would you understand would be in
11 violation of Los Angeles Police Department policy?

12 A Anything related to a protected class. But I
13 don't think that's what I was referring to.

14 Q Okay. Well, as you sit here today, do you
15 have any recollection as to what you were referring
16 to?

17 A I think profanity and abusive language were
18 the same thing --

19 Q Okay.

20 A -- but I don't specifically recall.

21 Q Okay. Fair enough.

22 So then let's go back to the profanity.

23 What type of profanity was it that you
24 understood, having learned from several of Garvin's
25 subordinates, that he used?

1 A I don't recall.

2 Q Okay. Let's go to the last part of that
3 sentence, which discusses bullying employees.

4 Is bullying employees a violation of LAPD
5 policy?

6 A Could be.

7 Q What types of things are considered bullying
8 employees that violate LAPD policy?

9 A I cannot give you a list.

10 Q Can't think of a single thing?

11 A Not as I sit here, no.

12 Q Can you tell me what you're referencing here
13 when you say that Garvin -- or you learned from several
14 of Garvin's subordinates that he bullied his employees?

15 A I don't recall specifically.

16 Q Do you recall generally?

17 A No.

18 MR. SALUTE: Okay. Let's go off the record for a
19 second.

20 (Brief recess was taken.)

21 Q BY MR. SALUTE: The next sentence says, "I
22 also heard that Garvin was not a visible supervisor."

23 Who told you that Garvin was not a visible
24 supervisor after you took command in March of 2016?

25 A I believe both Sergeant Stark and

1 Sergeant Goens

2 Q How did Sergeant Stark convey that to you?

3 A I believe it was in an example that he would
4 try to manage incidents either from the office or on the
5 telephone rather than responding out to the scene.

6 Q Where did she say this to you? Over the
7 phone? By email? In person?

8 A I don't recall.

9 Q When did she say this to you?

10 A I don't know.

11 Q And what about Goens; what did Goens tell you
12 about Garvin not being a visible supervisor?

13 A I don't have a specific recollection of his
14 telling me the same thing, but I believe he did.

15 Q And do you recall when he told you that?

16 A No.

17 Q Other than Stark and Goens, did you hear from
18 any -- or do you recall hearing from any other officers
19 within Bomb Detection K9 Section after you took command
20 in March of 2016 that Garvin was not a visible
21 supervisor?

22 A I believe several handlers told me that he
23 never went out to watch training and was never in the
24 field, but I don't recall specifically who told me that.

25 Q Would you have taken notes of those

1 conversations?

2 A No.

3 Q Are there any documents that you can think
4 of, as you sit here today, that would help -- in which
5 you reflected those conversations?

6 A No.

7 Q What about the conversations with Stark and
8 Goens; are there any notes or anything like that of
9 those conversations?

10 A No.

11 Q All right. Let's go on the next sentence
12 here. It says, "He did not make himself available or
13 accessible to his subordinates out in the field to lend
14 his supervision, assistance or guidance, opting instead
15 to remain in the LAX office."

16 Is that something you heard or something you
17 observed?

18 A I heard that from, specifically, Sergeant
19 Stark, I recall. I believe also from Sergeant Goens,
20 and, to the best of my recollection, every time I went
21 to LAX, he was in his office.

22 Q Before you would go to LAX, would you let him
23 know you were coming?

24 A No.

25 Q Did you ever let him know you were coming

1 before you went down there?

2 A Oh, I may have.

3 Q Did you ever personally observe Garvin use
4 profanity?

5 A No, I don't believe so.

6 Q Did you ever personally observe Garvin use
7 any kind of abusive language?

8 A No.

9 Q Did you ever personally observe Garvin bully
10 any of his employees?

11 A No.

12 Q Did you ever personally observe Garvin at any
13 training exercises that were held at BDCS?

14 A I observed him at a training day at the port,
15 but I don't believe I ever saw him out at LAX, no.

16 Q Did you ever talk to him about, hey, look,
17 why aren't you out in the field more?

18 A Yes.

19 Q When did you first discuss that with him?

20 A Prior to issuing him the comment card.

21 Q How many times do you think you might have
22 had that discussion with him?

23 A I don't know.

24 Q Was it more than once?

25 A I believe so.

1 Q Was it more than once before giving him the
2 comment card?

3 A I believe so.

4 Q Do you have any documents that reflect that?

5 A No.

6 Q The next sentence says, "As a result, I
7 learned that BDCS suffered from low morale."

8 Who did you learn from that BDCS suffered
9 from low morale?

10 A It was just a general observation based on
11 the officers' behavior.

12 Q What behavior of the officers led you to
13 believe that BDCS suffered from low morale?

14 A They did not appear to be happy. They were
15 complaining.

16 Q What did you observe about the officers that
17 led you to believe that they were not happy?

18 A They would stay away from the office. They
19 would complain about the lieutenant.

20 Q Who told you that they would stay away from
21 the office because of Garvin?

22 A I don't recall.

23 Q When did you learn that officers were staying
24 away from the office because of Garvin?

25 A I don't recall.

1 Q Who complained about Garvin as the lieutenant
2 there?

3 A I don't remember specifically.

4 Q Do you recall generally?

5 A Several people, but I don't recall who.

6 Q When did you first hear that anybody had any
7 complaints about Garvin after you took command?

8 A I don't recall.

9 Q When you were talking about that officers
10 would stay away from the office, wasn't their primary
11 function to be away from the office?

12 A Yes. But they would not go there. They
13 would not train there. They often would train in the
14 back. I know they were training elsewhere.

15 Q And you're suggesting that that occurred
16 because they didn't want to be around Garvin?

17 A Yes.

18 Q And you don't remember who told you that;
19 right?

20 A No.

21 Q So I'm a little bit confused here.

22 On the one hand, you're saying that the
23 officers wanted him out in the field because he wasn't
24 visible out there to offer his guidance, supervision,
25 and assistance, but on the other hand, they didn't want

1 him there because they didn't like him?

2 A I think you're misstating what I said. I
3 said I wanted him out in the field watching their
4 training. I don't know whether they did. I don't
5 believe they did, which would be why they wouldn't train
6 at the office.

7 Q So you're saying that you didn't hear from
8 anybody after you took command that Garvin was not
9 making himself available or accessible to his
10 subordinates?

11 MR. KONG: Objection. Misstates her testimony.

12 You can go ahead and answer.

13 THE DEPONENT: You're gonna need to restate it.
14 I'm sorry.

15 Q BY MR. SALUTE: I'm trying to clarify what
16 you're saying.

17 You said you wanted him to be available and
18 accessible; right?

19 A Correct.

20 Q Okay. But from what I heard earlier, I
21 thought you had said that you heard from his
22 subordinates that they wanted him to be out in the field
23 more --

24 A No.

25 Q -- is that right?

1 MR. KONG: Objection. Misstates it. Answer
2 stands.

3 If you need to clarify, go ahead.

4 THE DEPONENT: Correct. I expected him to be out
5 in the field more, to watch incidents, to watch the dogs
6 train. The supervisors complained that he wasn't out in
7 the field but, however, was trying to manage incidents
8 from his office, from his telephone, from the car,
9 rather than responding to incidents.

10 Q BY MR. SALUTE: Okay. Fair enough.

11 So let's discuss this issue about responding
12 to incidents.

13 How many incidents do you recall that Garvin
14 did not respond to in the field, that you learned of?

15 A I have no idea.

16 Q More than ten?

17 A I have no idea.

18 Q More than five?

19 MR. KONG: Objection. Asked and answered.

20 Go ahead and answer again.

21 THE DEPONENT: I have no idea.

22 Q BY MR. SALUTE: Okay. By not responding to
23 these incidents -- well, first of all, was he supposed
24 to respond to these incidents?

25 A If he were in the office, I would expect him

1 to respond to the incidents, yes. And on the telephone,
2 his -- his supervisors were telling me that he was
3 trying to manage in other incidents via telephone rather
4 than allowing them to manage the incidents when they
5 were on the scene.

6 Q Okay. As you sit here today, do you recall
7 any specific incident that the supervisors told you
8 about, that they felt that Garvin should have
9 been responding to but did not?

10 A No.

11 Q Okay. So now I want to go on to the next
12 part of this paragraph, paragraph seven. It says,
13 "Because of this concern, on or about May 6th of 2016, I
14 met with Garvin to discuss the foregoing issues and
15 expectations regarding his duties and assignment with
16 the BDCS. I memorialized our meeting and discussion in
17 the form of an employee comment sheet."

18 So let's talk about the employee comment
19 sheet. It's under tab nine.

20 And what we'll do is mark this as [Exhibit 5](#).

21 (Plaintiff's [Exhibit No. 5](#) was marked
22 for identification and is attached hereto.)

23 Q BY MR. SALUTE: So is this the
24 employee comment sheet that you prepared?

25 A Yes.

1 Q And this was based on a conversation that you
2 had with him in May of 2016?

3 A Yes.

4 Q And before giving it -- before issuing it to
5 Garvin, did you run it up the chain of command?

6 A I don't recall.

7 Q Were you required to do that?

8 A No.

9 Q And why did you want to document your
10 comments in the comment card?

11 A Because of what I had heard, what I had
12 observed, I wanted to ensure that our conversation was
13 documented and his response was documented, and that
14 gave him a clear understanding on any behavior he needed
15 to alter.

16 Q Is it fair to say that as of the time that
17 you issued him this comment card, you were allegedly
18 aware of his use of profanity in the workplace?

19 A Yes.

20 Q And is it fair to say that as of the time the
21 comment card was issued, that you were aware that Garvin
22 allegedly had used abusive language while at work?

23 A Yes.

24 Q And is it fair to say that at the time you
25 issued this comment card, you were allegedly aware of --

1 or you were aware of him allegedly bullying his
2 employees?

3 A Yes, I had heard all those things. Yes.

4 Q And you were aware of him allegedly not going
5 out or responding to various incidents --

6 A Yes.

7 Q -- as of this time; right?

8 A Yes.

9 Q And you were aware of officers staying away
10 from the BDCS office because of Garvin?

11 A That's what I had heard, yes.

12 Q Okay. And at the time that you prepared this
13 comment card, had you expressed your concerns, if any,
14 about Garvin to your commanding officers?

15 A I believe I had had a conversation with
16 Commander Frank.

17 Q And when did you have that conversation?

18 A I don't know.

19 Q Do you remember what you discussed with him
20 about Garvin before issuing this comment card?

21 A No.

22 Q Do you recall what he said to you about the
23 concerns you had?

24 A No.

25 Q At the time that you issued this comment

1 card, had you heard anything from any officer within
2 BDCS that concerned you about Garvin that could
3 constitute misconduct by Garvin?

4 A No.

5 Q Had you observed anything, as of May of 2016,
6 at the time you issued this comment card -- well, I
7 guess the comment card was issued in June.

8 As of June of 2016, had you, through your
9 observations of anything in the unit, learned of
10 anything that you believed could constitute misconduct
11 by Garvin.

12 A No.

13 Q At the time that you issued this comment card
14 to Garvin in June of 2016, did you believe that Garvin
15 was failing as a supervisor?

16 A I believed he could improve.

17 Q Okay. But my question is more direct to the
18 issue of, was he failing as a supervisor?

19 A There was nothing to document that he was, so
20 no.

21 MR. SALUTE: Let's go off the record for a
22 second.

23 (Recess was taken.)

24 Q BY MR. SALUTE: At the time that you wrote
25 the -- or had this meeting with Garvin in May of 2016,

1 did you believe that Garvin was neglecting his duties in
2 some respect?

3 A No. I just thought he could be doing a
4 better job.

5 Q At the time that you met with Garvin in May
6 of 2016, did you believe that he needed to be replaced
7 as a supervisor?

8 A I did not think he was effective, but, again,
9 he could have improved had he improved his relationship
10 with his supervisors and subordinates and done these
11 things that I had asked.

12 Q Well, okay.

13 The first thing that you mention on page one
14 of the employee comment sheet talks about that you had
15 an expectation that he would discuss with you any new
16 procedures or programs; right?

17 A Yes.

18 Q And that was something between you and him;
19 right?

20 A Yes.

21 Q The next thing talks about the department's
22 expectation that all employees would be treated
23 respectfully and with fairness and that sort of thing?

24 A Yes.

25 Q And that's something you felt needed to be

1 addressed between him and his unit; right?

2 A Yes.

3 Q Well, did he ever -- did he not treat you
4 respectfully?

5 A He didn't treat me like he liked me, but he
6 treated me respectfully.

7 Q Did he act in some way that was inappropriate
8 with you?

9 A No.

10 Q So when you say that he acted in a way that
11 you felt he didn't like you, what sorts of things did he
12 do?

13 A Well, as I said, with related to the comment
14 prior to me getting there, that wasn't the only time
15 that I had heard from someone in Bomb K9 that he had
16 said something negative when I had been present.

17 Q What else did you learn that he had said
18 about you?

19 A I don't recall specifically.

20 Q Do you recall generally?

21 A It was the same general type of, why is she
22 here; why do you invite her; why do you -- I was always
23 invited. I never showed up to an event uninvited.

24 Q Did you ever talk to Garvin and say, "Hey,
25 what's going on? Did I do something to you" or --

1 A No.

2 Q -- anything like that?

3 A I did not.

4 Q Why not?

5 A I didn't know him. I had no reason to
6 talk -- I didn't work with him. I had no reason.

7 Q Okay. Well, the comments that you're talking
8 about are comments that were -- preceded your work
9 relationship; right?

10 A Correct.

11 Q After you became captain, did you learn that
12 he had made any comments that led you to believe that
13 he didn't like you?

14 A No.

15 Q So other than the comments that precede your
16 working relationship with him, did he do anything that
17 led you to believe, once you were his captain, that he
18 didn't like you?

19 A No. He's just not a very friendly,
20 personable -- I did not feel him to be a very friendly,
21 personable person.

22 Q Did he ever do anything to you that was
23 demeaning?

24 A No.

25 Q Did he ever do anything to you that you felt

1 was verbally abusive?

2 A No.

3 Q Did he ever do anything to you that you felt
4 was threatening?

5 A No.

6 Q Did he ever do anything to you that you felt
7 was bullying?

8 A No.

9 Q Okay. So the comment that you -- that
10 references those things, that's in relation to what you
11 may have heard from subordinates and supervisors of his?

12 A Correct.

13 Q The next comment talks about being an active
14 supervisor.

15 That's the -- this is something you took
16 issue with, which you mentioned earlier, where he needed
17 to be more active in the field?

18 A Correct.

19 Q So, now, after issuing this comment card in
20 May of -- or June of 2016 -- well, actually, let me
21 withdraw that.

22 After having the meeting with Garvin in May
23 of 2016, did you see any improvement in the area of
24 Garvin's implementation of new programs or procedures
25 without talking to you?

1 A Yes.

2 Q Did he stop doing that?

3 A I don't recall there being another incident,
4 no.

5 Q Okay. So that was corrected?

6 A Yes.

7 Q And then what about in regard to the next
8 comment about all employees be treated respectfully and
9 with fairness; did that seem to improve after you had
10 that discussion?

11 A I still heard from his employees that they
12 did not care for him, but I didn't hear any specifics
13 regarding any negative behavior, no.

14 Q Up until the point that you got a complaint
15 from Franco and Salinas; is that fair to say?

16 A Correct.

17 Q So from May of 2016 until the time that you
18 got that complaint, you didn't hear any other comments
19 from employees about Garvin being verbally abusive,
20 threatening, bullying; anything like that; right?

21 A Correct, I don't believe so.

22 Q And then the next comment about being more
23 active, did you notice a change in Garvin about being
24 more active in the field after May of 2016?

25 A Yes.

1 Q So he seemed to improve on all three of those
2 areas; is that fair to say?

3 A He seemed to improve on the third area for a
4 while. He did allow his supervisors to make some
5 decisions, but then he regressed, according to them, and
6 then I did see him out in the field. People did say he
7 was out in the field; that he would walk on the CTA. I
8 believe I saw him on -- at at least one evaluation, but
9 then, according to the supervisors, that tapered off.
10 But it did seem to improve, yes.

11 Q Did you feel that after issuing the comment
12 card in June of 2016, that Garvin improved overall as a
13 supervisor?

14 A I believe he made efforts, yes.

15 Q Okay. Well, whether he made efforts or not,
16 in your eyes, did he seem to improve as a supervisor?

17 A For a while, yes.

18 MR. SALUTE: I want you to turn next to a
19 performance evaluation, which is the next in order
20 there, so we'll mark this as [Exhibit 6](#).

21 (Plaintiff's [Exhibit No. 6](#) was marked
22 for identification and is attached hereto.)

23 Q BY MR. SALUTE: All right. Do you recognize
24 this document?

25 A I do.

1 Q What is it?

2 A It's a standard-based assessment, an annual
3 evaluation, of Lieutenant Garvin.

4 Q And is this something that you prepared?

5 A Yes.

6 Q And for what time period does this cover?

7 A November of '15 until November of -- or, I'm
8 sorry. October of '15 to October of '16.

9 Q Is it fair to say that for roughly half of
10 the time period you were his supervisor, and the other
11 half somebody else was his supervisor?

12 A Yes.

13 Q Okay. And did you contact the other
14 supervisor in preparing this evaluation?

15 A I don't recall. I don't believe so.

16 Q So, essentially, the evaluation would, by and
17 large, be based on your supervision of him during the
18 six or seven months that covers this time period; is
19 that fair to say?

20 A Yes.

21 Q Why didn't you contact the other supervisor?

22 A I just don't recall that I did.

23 Q Okay.

24 A I don't know.

25 Q Now, as we go through this, it looks like you

1 gave him all "meets or exceeds standards"; is that fair
2 to say?

3 A Yes.

4 Q And his overall rating was satisfactory?

5 A Yes.

6 Q And "meets or exceeds standards," according
7 to LAPD policy, means what?

8 A Well, our standard-based assessments are
9 notoriously deficient, and with the absence of any
10 negative documentation, you're always going to meet or
11 exceed standards. There's -- there's no other option.

12 Q Well, did you want to give him an
13 unsatisfactory rating?

14 A No. There was no negative documentation, so
15 no.

16 Q Did you feel that he was not meeting or
17 exceeding standards?

18 A He was satisfactory in his position, yes.

19 Q Well, "needs improvement" requires
20 documentation; right?

21 A Correct.

22 Q What kind of documentation?

23 A A sustained personnel complaint can be
24 reflected in there; numerous negative comment card
25 entries for deficient performance. Could be a variety

1 of things, and there was no such documentation.

2 Q The document card -- first of all, can a
3 comment card be negative?

4 A Yes. That comment card is not negative.

5 Q That's my next question.

6 Was the comment card that we marked as
7 [Exhibit 5](#) -- did you consider that negative?

8 A No.

9 Q Do you consider it just neutral?

10 A It was just to document conversation and
11 responses and to possibly change behavior.

12 Q Well, a comment card can be neutral; right?

13 A It can be.

14 Q It can also be positive; right?

15 A Yes, sir, it can be.

16 Q So which of these -- which of those three
17 options is [Exhibit 5](#)?

18 MR. KONG: Objection. Vague; overbroad.

19 You can answer.

20 THE DEPONENT: It's either -- probably neutral or
21 more on the negative side, but it's not a positive
22 comment card, no.

23 Q BY MR. SALUTE: But you didn't feel that you
24 had the documentation necessary to rate him as "needs
25 improvement"; right?

1 A Correct.

2 Q Okay. I want to go back to the declaration,
3 paragraph 9, page four.

4 A Mm-hmm.

5 Q Okay. It says, "On February 8, 2017, I
6 received a personnel complaint from Alberto Franco, a
7 Bomb K9 Detection handler supervised by Garvin, alleging
8 that Garvin had created a hostile work environment."

9 How did this complaint come to your
10 attention?

11 A I believe Officer Franco called me and
12 requested to speak with me.

13 Q And what did he say?

14 A He told me he wanted -- I don't remember
15 specifically, but he told me he wanted to talk to me
16 about Lieutenant Garvin.

17 MR. KONG: Just, again, another admonishment:
18 Please do not disclose anything as it pertains to other
19 officers other than Lieutenant Garvin.

20 THE DEPONENT: Mm-hmm.

21 MR. KONG: Thank you.

22 Q BY MR. SALUTE: How long that was telephone
23 conversation?

24 A I don't recall.

25 Q And what did you do in relation to that

1 telephone conversation?

2 A I agreed to meet with him -- with
3 Officer Franco.

4 Q And did you meet with?

5 A I did.

6 Q Where did you meet with him?

7 A I believe, initially, we met at the Starbucks
8 on Sepulveda and, I think it's 84th.

9 He indicated to me that he was afraid to tell
10 me what he wanted to tell me; he was having second
11 thoughts because he was afraid of Lieutenant Garvin and
12 that Lieutenant Garvin would retaliate against him.

13 Q What else did he tell you?

14 A We subsequently went -- I believe we went to
15 the fire station -- fire station number five over on
16 Westchester and spoke there, and he relayed to me that
17 years prior, Lieutenant Garvin had used a negative
18 comment about him and had made negative gender and
19 racial comments about Leslie Salinas.

20 Q Did he convey to you anything else about what
21 Garvin had said or done?

22 A I mean, he gave me the specifics about those
23 incidents, but I don't recall if he told me anything
24 else.

25 Q And what did you say?

1 A I told him that we would take care of it. My
2 response would be to initiate a personnel complaint. He
3 told me Leslie Salinas also wanted to talk to me about
4 it, and I subsequently also met with Leslie Salinas.

5 Q And where did you meet her?

6 A At the Los Angeles Police Protective League.

7 Q When did you meet with her?

8 A Several days after I met with Officer Franco.
9 I don't recall.

10 Q And what did she tell you about Garvin?

11 A She told me that while she was off,
12 Lieutenant Garvin had taken her TSA canine away from
13 her -- off pregnant -- and she told me that officer
14 Franco had told her that Lieutenant Garvin had made
15 disparaging remarks about her.

16 Q Anything else that you recall she told you?

17 A No.

18 Q So did she ever indicate to you that she
19 heard Garvin herself say something disparaging about
20 her?

21 A No. She said that Officer Franco had told
22 her that Lieutenant Garvin had said that to him.

23 And she did tell me that she was fearful to
24 have another child, that she and her husband wanted to
25 have another child but she was afraid do so because

1 Lieutenant Garvin had retaliated against her the last
2 time she was pregnant by taking away her canine, so she
3 was fearful.

4 Q When she said something to the effect that
5 Garvin had taken away her canine last time that she was
6 pregnant, what did you understand that to mean?

7 A Well, Lieutenant Garvin doesn't have the
8 authority to take away her canine. TSA owns those dogs
9 and it was a TSA decision to have her dog removed. But
10 she still felt that Lieutenant Garvin was going to treat
11 her poorly were she to become pregnant again.

12 Q Other than taking away her dog, did she
13 say -- well, other than taking away her dog, at least
14 her belief that he took away her dog, and the comment
15 about her that she learned from Franco, was there
16 anything else that she believed that Garvin had done to
17 her?

18 A No, I don't recall. No.

19 Q All right. Now, after meeting with Franco,
20 after meeting with Salinas, did you decide that the
21 initiation of a personnel complaint would be
22 appropriate?

23 A Yes.

24 Q And how did that come about?

25 A Just based on the nature of the allegations,

1 I directed one of my supervisors to initiate the
2 complaint investigation.

3 Q All right. And if you look at [Exhibit 3](#) --

4 A Mm-hmm.

5 Q -- do you recognize that?

6 MR. KONG: Just take a brief moment. Flip through
7 the pages.

8 THE DEPONENT: Yeah, I don't know that I've -- I
9 probably have seen it on the computer and forwarded it
10 to Internal Affairs, but it appears I directed
11 Mike Salinaz, my sergeant, to complete the intake.

12 MR. KONG: Well, I'm just gonna say objection.
13 Document speaks for itself.

14 Do you have independent recollection of
15 having reviewed [Exhibit 3](#) -- the documents marked as
16 [Exhibit 3](#)?

17 THE DEPONENT: No.

18 MR. KONG: Okay.

19 Q BY MR. SALUTE: Okay. Well, if we go to
20 page two of [Exhibit 3](#) --

21 A Mm-hmm.

22 Q -- it says, "The following issues were
23 reported to Captain III Kathryn Meek, Commanding
24 Officer, Emergency Services Division," and then there's
25 paragraph numbers one through four; right?

1 A Yes.

2 Q Is the information in paragraphs one through
3 four information that you conveyed to Sergeant Salinaz,
4 or is that information that he got from Leslie Salinas
5 and Alberto Franco, if you know?

6 A Yeah --

7 MR. KONG: I'm sorry. You said "Sergeant Salinaz."
8 Are you meaning Sergeant --

9 THE DEPONENT: It's -- Salinas is Leslie Macias
10 Salinas, and then Mike Salinaz is --

11 MR. KONG: I just want to make sure we specify who
12 we're talking about.

13 Q BY MR. SALUTE: I'll do it this way: As you
14 sit here today --

15 A I think I understood.

16 Q As you sit here today, you recall that you
17 contacted Michael Salinaz within the bomb squad and told
18 him to cut a 128; right?

19 A Yes, I relayed this information to him and he
20 created the intake. Yes.

21 MR. KONG: Thank you.

22 THE DEPONENT: Thank you.

23 Q BY MR. SALUTE: Do you know whether he spoke
24 directly with Leslie Salinas and Alberto Franco to get
25 this information that's in paragraphs one through four?

1 A No. I relayed that information to him. I
2 have no information that he spoke with either one.

3 Q Okay. So, essentially, Leslie Salinas,
4 Alberto Franco met with you, told you what they believed
5 was the misconduct by Garvin, and then you conveyed that
6 to Sergeant Mike Salinaz, who put it in the 128?

7 A Yes. Completed the intake, yes.

8 Q Okay. And after directing Sergeant Mike
9 Salinaz to complete the complaint form, did you take any
10 other action in regards to that complaint?

11 MR. KONG: Objection. Vague.

12 You can answer.

13 THE DEPONENT: I don't recall.

14 Q BY MR. SALUTE: Well, at some point, did you
15 decide that Garvin should be removed from the Bomb
16 Detection K9 Section?

17 A I did not make that decision, no.

18 Q Well, tell me what action you took in regards
19 to Garvin -- well, at some point, did you make the
20 decision to reassign Garvin?

21 A I did not make that decision, no.

22 Q Who did?

23 A I believe the -- I don't know. The
24 reassignment, I believe, may have been Chief Frank.

25 Lieutenant Garvin was originally loaned out

1 of Bomb Detection K9 and moved within CTSOB to the
2 command of Captain Phil Fontanetta and was working at
3 World Police and Fire Games. So that loan was, I
4 believe, Chief Frank.

5 Q Okay. Well, while Garvin was being loaned to
6 World Police and Fire Games, who was temporarily filling
7 his position?

8 A The two sergeants. There was no lieutenant.
9 It was just vacant.

10 Q After this complaint came down from Franco
11 and Salinas, did you have a meeting with Commander Frank
12 about what to do with Garvin?

13 A I don't recall whether I was included in
14 that. I don't recall.

15 Q Okay. Well, tell me how it went down, as far
16 as you understand it, in terms of loaning out Garvin and
17 subsequently reassigning him.

18 A He had been loaned out of the command, and
19 then there had been a -- at the -- I believe the
20 suggestion of Employee Relations Group, a document to
21 suspend his supervisory duties based on the nature of
22 the allegation, which was consistent with the position
23 he was holding at World Police and Fire.

24 And there was a recommendation, I believe by
25 ERG, to deselect Lieutenant Garvin from his position at

1 Bomb Detection K9 based on the nature of the
2 allegations.

3 Q So did -- I guess, how did it come to your
4 attention that ERG made this decision?

5 A Well, I can see the document you're looking
6 at, and I drafted that based on conversation with ERG, I
7 believe Chief Frank, and an exemplar that was provided
8 to me by ERG.

9 Q Okay. So tell me about the conversation that
10 you had with ERG about reassigning Garvin.

11 A I don't know that I had -- I don't recall
12 any -- I don't recall the conversation. I recall
13 getting the exemplar and completing the exemplar, but I
14 don't recall.

15 Q Did you ever ask anybody after you were told
16 that Garvin would be reassigned? Like, did you say,
17 "Hey, why are we reassigning him?"

18 A I'm sure I had a conversation with
19 Chief Frank. I just don't recall it.

20 Q As you sit here today, do you know why the
21 decision was made to reassign him rather than just
22 continue to loan him out pending the outcome of the
23 investigation?

24 A I believe it was based on the nature of the
25 allegation and either -- a chain of command's belief

1 that he could not successfully run Bomb Detection K9.

2 Q Did you have any input in that decision at
3 all?

4 A No.

5 Q So it's your testimony that decision was
6 completely out of your hands?

7 A Yes.

8 Q Made at the ERG level or somewhere above you?

9 A Yes.

10 Q Say, above your pay grade?

11 A Yes.

12 Q Okay. If you look at, going back to the
13 declaration, I think, which is, what --

14 A Sixteen.

15 Q -- tab 16 there, page five, it says, towards
16 the middle of that paragraph, "The reassignment was
17 necessary in order to allow time for the workplace
18 investigation to take place while ensuring separation
19 between Garvin and the complainants to avoid any
20 potential conflicts between the parties."

21 What does that mean?

22 A That the loan of Lieutenant Garvin out of
23 Bomb Detection K9 was to ensure that there was no
24 additional behavior similar to what had been alleged.

25 Q So when you say "reassignment," you're not

1 talking about actually deselect him, moving him out of
2 the position?

3 A No. That would have been the loan.

4 Q All right. And as you sit here today, do you
5 know why Garvin wasn't loaned to some other position
6 within either Emergency Services Division or CTSOB,
7 rather than deselecting him?

8 A I do not know, no.

9 Q Do you know who would know?

10 A I believe that was -- that decision was made
11 at least at Chief Frank's level, if not higher.

12 Q So, essentially, you prepared and filled out
13 the paperwork, but you were told to do so?

14 A Yes.

15 Q You didn't have any discretion in that?

16 A No.

17 Q Well, let me ask it this way: Did you have
18 any discretion in filling out the paperwork for the
19 deselection and downgrade of Garvin?

20 A No.

21 MR. KONG: Objection. Asked and answered.

22 You can answer again. Go ahead.

23 THE DEPONENT: No.

24 Q BY MR. SALUTE: Now, at some point, the
25 complaint made by Salinas and Franco was investigated;

1 right?

2 A Yes.

3 Q And at some point, the investigation was
4 completed and a report was provided to you; right?

5 A Yes.

6 Q And after that report was provided to you --
7 well, first of all, that report was provided to you
8 because you were going to adjudicate the complaint;
9 right?

10 A Correct.

11 Q And do you know why you were chosen to
12 adjudicate that complaint?

13 MR. KONG: Objection. Speculation.

14 You can answer if you know.

15 THE DEPONENT: The commanding officer of the
16 involved command writes the letter of transmittal.

17 Q BY MR. SALUTE: Okay. And that was you;
18 right?

19 A Yes.

20 Q Now, when you -- do you recall when you got
21 the complaint investigation to adjudicate?

22 A No.

23 Q So if we go to [Exhibit 1](#) -- we've marked as
24 [Exhibit 1](#) the complaint investigation report for the 419
25 complaint -- that's what I'm calling it -- which is the

1 Franco/Salinas complaint.

2 Okay?

3 A Yes.

4 Q Is this the complaint investigation report
5 that you received?

6 MR. KONG: Take a brief moment. Look at it.

7 THE DEPONENT: I won't recall specifically, but I
8 have no reason to believe it's not.

9 Q BY MR. SALUTE: Well, if you look at the very
10 back, there's a date. It appears to -- it says,
11 "Submitted" and then, "Sergeant Demian Wyma," who was
12 the investigating officer; appears to be dated sometime
13 around January of 2016?

14 A Yes.

15 Q Does that help to refresh your memory as to
16 when you may have received the report?

17 A I would think within several weeks after
18 that, but no, I don't recall specifically.

19 Q Do you recall what you did receive besides
20 just the report?

21 A I don't recall specifically. Typically, the
22 addenda.

23 Q Would you have received the audio recordings
24 of the witness interviews?

25 A They are generally attached. You can ask to

1 listen to them online if you want. They're generally
2 referenced.

3 Q Is that something that you would do in the
4 normal course of practice when you are adjudicating a
5 complaint?

6 A Not always, no.

7 Q Do you recall whether you did that in regard
8 to the 419 complaint when you were adjudicating it?

9 A I don't recall.

10 Q Is there anything that you could look at that
11 would help to refresh your memory as to whether you did,
12 in fact, request the audio interviews for the 419
13 complaint before or during the adjudication of the
14 complaint?

15 A No, I don't recall.

16 Q All right.

17 A And I don't know.

18 Q Do you recall what exactly you relied upon in
19 adjudicating that complaint?

20 A Probably the paraphrased statements and the
21 addenda, but I don't recall.

22 Q Did you prepare the adjudication yourself, or
23 did you have assistance?

24 A It was initially done by me, but I believe
25 Chief -- or, Commander Zarcone at the time also -- or

1 staff at CTSOB also worked on it.

2 Q Okay. What was Zarcone's involvement?

3 A I don't recall specifically what he did to --
4 or what the staff did.

5 Q Is Zarcone with ERG?

6 A No. Zarcone would then have been the
7 commander, and Chief Frank had been promoted to deputy
8 chief.

9 Q Do you recall whether Zarcone gave you any
10 kind of input into how the letter of transmittal should
11 be written?

12 A I believe -- to the best of my recollection,
13 none of the findings were changed. We had discussion
14 about the narrative in each section, or the verbiage
15 or -- Commander Zarcone tends to keep it succinct.

16 Q Do you remember anything specifically that
17 Zarcone wanted to have added or changed in any way?

18 A No, I don't.

19 Q Do you recall if he took any -- if he took
20 issue or objected to anything you had put in there?

21 A No. Because, again, I don't believe any of
22 the findings for any of the allegations -- I don't
23 believe any of that changed based on anything that was
24 done at CTSOB.

25 Q All right. When you're working on a letter

1 of transmittal like the one that you did for the 419
2 complaint, is there anything that you're aware of on the
3 computer -- where would you have been working on it, in
4 what system?

5 A Word. A Word document.

6 Q Is there any particular file reference or
7 anything that you would -- like where it's stored or
8 anything like that?

9 A No --

10 MR. KONG: I'm sorry. Objection. Vague.

11 You can answer.

12 THE DEPONENT: Just by the name or perhaps by the
13 complaint number. I do it differently.

14 Q BY MR. SALUTE: Okay. Well, I'm just trying
15 to figure out -- like, for example, I took the
16 deposition of Demian Wyma, who was the investigating
17 officer, and he said that many of the items that he had
18 worked on during the investigation were stored in
19 something called a CMS?

20 A That's the complaint system used by internal
21 affairs. I don't use that system. I just would have
22 taken the information and put it in a Word document.

23 Q And so is there anything -- do you remember,
24 like, what drive that was stored on or anything like
25 that?

1 A No.

2 MR. KONG: Objection. Vague; overbroad.

3 THE DEPONENT: No.

4 MR. KONG: Answer stands.

5 Q BY MR. SALUTE: So after you worked on your
6 draft of the letter of transmittal, is it your
7 testimony, or at least your recollection, that you had
8 emailed a draft to Zarcone?

9 A I probably did, either to he or his aide,
10 yes.

11 Q Do you remember what his aide's name was?

12 A I don't remember who was there at the time,
13 no. I probably emailed directly to him, but I don't
14 recall.

15 Q All right. So as far as you know, there
16 would be some sort of email communication between you
17 and Zarcone or his aide about the letter of transmittal?

18 A I don't know that it would be communication.
19 It's probably just an attached document.

20 MR. KONG: Well, do you know if there was an email
21 that was sent to Zarcone or his aide regarding a
22 drafting of the LOT?

23 THE DEPONENT: I don't have a recollection of it,
24 but that's the only way he would have gotten it.

25 MR. SALUTE: So if we turn to tab seven, we'll mark

1 as Exhibit 7 the complaint adjudication form and the
2 letter of transmittal.

3 (Plaintiff's Exhibit No. 7 was marked
4 for identification and is attached hereto.)

5 Q BY MR. SALUTE: Do you recognize these
6 documents? Actually, I'm gonna take out the back page
7 here -- I'll take out the part relating to [REDACTED]
8 You can take that out and just tear it up. Thank you.

9 MR. KONG: Are you giving this binder to us, or no?

10 MR. SALUTE: Huh?

11 MR. KONG: Are you giving this binder to us, or no?

12 MR. SALUTE: I wasn't planning on it.

13 MR. KONG: Okay. That's fine.

14 MR. SALUTE: I was gonna use it for the next
15 depo.

16 MR. KONG: I haven't been writing on it, so --

17 MR. SALUTE: You have or have not?

18 MR. KONG: No, I have not. Thanks.

19 MR. SALUTE: I'll tell you what, you can have it,
20 but just bring it back to the deposition --

21 MR. KONG: Sure.

22 MR. SALUTE: -- so I don't have to keep --

23 MR. KONG: Sure.

24 MR. SALUTE: -- bringing more documents. Okay.

25 Q So where were we? Oh, do you recognize

1 [Exhibit 7?](#)

2 A Yes.

3 Q All right. And that's -- the first two pages
4 are the complaint adjudication form?

5 A Yes.

6 Q And that's for the 419 complaint; right?

7 A Yes.

8 Q And then the remaining pages are the letter
9 of transmittal --

10 A Yes.

11 Q -- which is the narrative, so to speak;
12 right --

13 A Yes.

14 Q -- of the complaint allegations against
15 Garvin; right?

16 A Yes.

17 Q So if you look at the top of the letter of
18 transmittal, it says, "The completed complaint
19 investigation was received by Captain Meek on
20 January 25, 2018."?

21 Do you see that?

22 A Yes.

23 Q Does that help to refresh your memory as to
24 when you got the complaint investigation?

25 A It would appear I got it on January 25th.

1 Q And there were six allegations against
2 Garvin; right?

3 A I don't know. I would have to count. Not
4 all of these allegations were reported to me. Some of
5 them were framed by Internal Affairs based on their
6 interviews.

7 Q Okay.

8 A So, one, two, three, four, five, six.

9 Q I'm sorry?

10 A Yes. Six against Lieutenant Garvin, yes.

11 Q Okay. And those are the ones that you were
12 adjudicating; right?

13 A Yes.

14 Q And if we go to the top, it says page 23 --

15 A Uh-huh.

16 Q -- there's some background information there.

17 A Yes.

18 Q And is that background information -- this is
19 something you prepared; right?

20 A Yes.

21 Q And it says, "The investigation provided a
22 portion of the background into the myriad of personnel
23 issues at Bomb Detection K9 Section. A more detailed
24 background and timeline was required for the reader."

25 So you're putting that in there for context;

1 right?

2 A Yes.

3 Q You wanted -- and this letter of transmittal,
4 you prepare this and then it goes up your chain of
5 command; right?

6 A Correct.

7 Q And they can concur or not concur; right?

8 A Correct.

9 Q And so the reason why you're putting that in
10 there is so you can provide the chain of command with a
11 broader picture of what's going on; is that fair to say?

12 A Yes. And for the presentation to the chief
13 of police for signings, so they knew all of these
14 complaints that were going on.

15 Q Right.

16 Because if you just looked at the complaint
17 against Garvin, it wouldn't -- or the allegations
18 against Garvin that were made in this complaint, just
19 focused on those without discussing the background of
20 everything going on, it wouldn't really have an
21 understanding of what was really happening; right?

22 A It would not paint as clear a picture.

23 Q Okay. So if we go down here a little bit, in
24 the next paragraph, it says, "A command timeline was
25 essential because to look at any of the personnel issues

1 individually would let the reader believe there are
2 minor personality conflicts or correctable supervisory
3 issues in this section. The timeline shows the actions
4 of command, complainants, and accused officers in BDCS.

5 "What the complaint investigations did not
6 make clear is that the same five connected BDCS
7 employees are involved in most every disciplinary
8 action, especially when it comes to being a witness for
9 each other and/or to allege misconduct against the
10 BDCS."

11 So why are you putting that comment in there?

12 A All of -- and I don't know whether I
13 specifically wrote that or whether that was part of -- I
14 don't know what was reworked, but, specifically, all of
15 these other complaints in the note are complaints made
16 by other handlers against the supervisors, other
17 handlers against the lieutenant, other handlers against
18 each other, and it always seemed to be those particular
19 people who were also witnesses against -- and
20 complainants against the lieutenant.

21 Q And what was your understanding at the time
22 that you were writing this letter of transmittal as to
23 when all of these complaints and issues started by these
24 five?

25 A They -- most of them were years prior. They

1 were things that had happened previously. They were not
2 current incidents.

3 Q Okay. Well, if we go on to the next
4 paragraph here, it says, "Most of the allegations in
5 this complaint were not made in a timely manner, nor
6 were there specific dates and exact locations provided
7 for the allegations. Some were older than three
8 years."

9 Now, some of these five people that were
10 making these complaints against Garvin were some of the
11 same people who were complaining to you before you
12 took command in March of 2016 -- right -- about some of
13 these things?

14 A Not necessarily about these things. I had
15 not heard these things. When people were complaining,
16 they were making general complaints, mostly that they
17 just didn't like the lieutenant and the way he spoke to
18 them. So I did not hear these things then, so no.

19 Q Right.

20 So for years prior, before these complaints
21 and the 419 complaint came to light, there had been
22 numerous conversations you'd had with people within the
23 unit, and not a single time had they made any of these
24 complaints against Garvin; right?

25 A Correct. Not specifically, correct.

1 Q Well, either specifically or generally --

2 A No. Correct.

3 Q -- right?

4 A Correct.

5 Q And you spoke to these five individuals
6 numerous times over the years before you took command;
7 right?

8 A No. Because Franco, Salinas, Getherall and
9 Grogan were not in the unit when I was there, so the
10 people that I spoke with were the people that had been
11 in the unit when I had been there previously. So not
12 those specific people, no.

13 Q Okay. But Sauvao was one of the people that
14 was there?

15 A Sauvao, yes. But I didn't have much contact
16 with him in the years that I was gone.

17 Q Okay. But in any event, he never conveyed to
18 you any of the issues that were brought up in this
19 complaint; right?

20 A Correct.

21 Q And further on in this paragraph it says,
22 "This barrage of complaints, personnel issues and
23 stressful working environment claims started only after
24 Police Officer III plus III plus I Mark Sauvao received
25 a notice to correct deficiencies on January 25, 2017."

1 So why was that important for you to put in
2 the letter of transmittal?

3 THE DEPONENT: Can I talk about that?

4 MR. KONG: I'm sorry?

5 THE DEPONENT: Can I talk about that, or no?

6 MR. KONG: Well, you can't disclose the substance
7 or nature of the personnel investigation of any officer
8 other than Garvin, but you can discuss, I think, as far
9 as how that investigation impacted your rationale at the
10 time, if any.

11 THE DEPONENT: Okay.

12 And I'm sorry. You're gonna have to state
13 the question again, because I don't want to -- if you
14 can read it back or --

15 Q BY MR. SALUTE: Well --

16 A I just want to be clear on how far I can
17 go --

18 Q My question to you was, there was a reference
19 or sentence to the barrage of complaints, personnel
20 issues, stressful work environment claims, and that it
21 started only after Sauvao had received a notice to
22 correct deficiencies on January 25, 2017.

23 And my question to you was, why did you feel
24 that was significant to put a reference in the letter of
25 transmittal?

1 A Because all of the people, the ones
2 referenced up earlier, the five connected employees,
3 were all supporters of Mark Sauvao. So when he received
4 this notice to correct deficiencies, he became very --
5 he -- Mark Sauvao became very vocal about his dislike
6 and distrust of Lieutenant Garvin and the command, and
7 they all appeared -- that's when they started to make
8 all these complaints that they had never voiced years
9 prior.

10 Q Okay. Well, if you go back to the complaint
11 investigation, which we've marked as [Exhibit 1](#),
12 page two, there's reference starting at line 19 --

13 A Mm-hmm.

14 Q So April 24th is when Hollenback had made the
15 allegations against Sauvao; right?

16 A Ultimately, it was --

17 MR. KONG: Again, without --

18 THE DEPONENT: Yeah.

19 MR. KONG: -- disclosing the substantive nature of
20 the allegation or investigation, you can otherwise use
21 any facts that would explain your rationale.

22 THE DEPONENT: Okay. It was actually Internal
23 Affairs made the allegation against Officer Hollenback.
24 When the complaint investigation -- when the intake was
25 done, it was --

1 Q BY MR. SALUTE: You said Hollenback. You
2 mean Sauvao?

3 A Oh, yes. I'm sorry.

4 When Officer Hollenback made the allegation
5 against Officer Sauvao, he did not necessarily make the
6 allegation against Officer Sauvao. He made an
7 allegation that someone tried to tamper with his TSA
8 eval. Through Internal Affairs investigation, they
9 named Officer Sauvao as the subject of the complaint.

10 Q Okay. I'm just trying to establish right now
11 a timeline.

12 Okay?

13 A Mm-hmm.

14 Q So we have the Sauvao complaint --

15 A Mm-hmm.

16 Q -- started in April of 2016; right?

17 A The complaint started, yes. Yes.

18 Q And it was a masked complaint; right?

19 A Correct.

20 Q Meaning Sauvao wouldn't have even known about
21 it?

22 A Correct.

23 Q So it was kept within the command?

24 A It was kept -- it was -- well, it was kept
25 between Lieutenant Garvin, Sergeant Stark, Commander

1 Frank at the time, and myself.

2 Q Fair enough.

3 A Yes.

4 Q And then the next -- if you read down on
5 page two, starting at line 23, it says, "On October 19th
6 of 2016, there was an administrative search of Sauvao's
7 vehicle"; right?

8 A Yes.

9 Q Were you aware of that?

10 A I was aware of it, yes.

11 Q And at that time, Sauvao became aware of the
12 existence of the complaint; right?

13 A Yes.

14 Q So, in fact, two things happened before
15 January 25th of 2017; there was the initiation of the
16 complaint against Sauvao; right?

17 A Yes.

18 Q And then he subsequently learned about the
19 investigation in October of 2016; right?

20 A Yes.

21 Q And then he was issued a notice to correct on
22 January 25th -- right -- of 2017?

23 A Yes.

24 Q Okay. And isn't it true that after October,
25 when he learned of the complaint against him, that he

1 and others within the unit became more hostile towards
2 Garvin?

3 MR. KONG: Objection. Foundation; speculation.

4 You can answer if you know.

5 Also vague as to what you mean by "he."

6 Q BY MR. SALUTE: Sauvao.

7 A Yes, I would agree with that, because if the
8 notice to correct was issued in January, the event
9 happened -- I can't recall the date of the event unless
10 you have the notice to correct here, but it would have
11 happened prior to that.

12 Q Okay. Now, if we go down on that same page
13 in the letter of transmittal, number seven here, right
14 there --

15 A Uh-huh.

16 Q -- on page 23, it says, "Along with Sauvao,
17 the other involved officers are Franco, Salinas,
18 Getherall and Grogan."

19 So those are the five officers that you
20 believed were the ones that were essentially being a
21 part of this complaint process, corroborating each
22 others' statements and all this stuff; right?

23 A That is what it appeared, yes.

24 Q And then if we go further down on page 23, it
25 says, "Before this complaint," meaning the

1 419 complaint, "was initiated by Franco and Salinas,
2 there was no evidence, documentation or even a hint of
3 racial and/or ethnic issues in the section."

4 Now, where did you learn that from?

5 A Well, there had been no prior complaints.

6 Q Nothing came to you from anybody from which
7 you discerned that there was any kind of racial or
8 ethnic issue in the section; right?

9 A No. And all of these had happened allegedly
10 years prior.

11 Q Okay. I'm sorry. I kind of asked a double
12 negative, and that's my fault.

13 But is it fair to say that before the
14 initiation of this complaint by Franco and Salinas,
15 there was no evidence of any kind of racial or ethnic
16 issues in BDCS?

17 A Fair to say.

18 Q Okay. And, now, the next sentence says, "Nor
19 is there any evidence of any unlawful activity or policy
20 behavior related to those accused in the above claim for
21 damages."

22 I'm not quite sure I understand that
23 statement. Can you explain what you mean by that?

24 A A claim for -- I believe at the time -- a
25 claim for damages comes before filing of a lawsuit, so,

1 therefore, I don't believe Officer -- I believe Officer
2 Sauvao had only filed a claim for damages at the time
3 that this was prepared.

4 Q So that being said, when you got these
5 complaints from Salinas and Franco, did you start
6 to wonder, like, why are these complaints coming now?

7 A Yes.

8 Q And did you have any question about whether
9 they were credible or not at that time?

10 A It's not for me to decide if they're
11 credible, but Leslie Salinas was telling me she wanted
12 to have another child and she was fearful she was going
13 to be retaliated against, so we initiated the complaint.

14 Q Okay. Did you -- at the time that you took
15 this information from Salinas and Franco, did you feel
16 that it had anything to do with the fact that a
17 complaint had been initiated against Sauvao?

18 A I don't know that we had put that together or
19 had that belief, no.

20 Q All right. Going next to page 24 of the
21 letter of transmittal, it says, "After a critical review
22 of all the material in the investigation, as well as
23 being privy to the daily issues of BDCS, it is apparent
24 to the adjudicator that these allegations are
25 retaliatory in nature. They appear to be coordinated

1 and feed off each other, and they are self-serving."

2 Is that something you wrote?

3 A I don't believe so.

4 Q You know who wrote that?

5 A No. As I said, a lot of this was -- the
6 verbiage was changed and modified.

7 Q Do you know who changed or modified the
8 language to that?

9 A As I said before, I know Commander Zarcone
10 had worked on it, but I don't know who else did. I
11 don't know who else may have had input.

12 Q Do you know whether Commander Frank
13 participated in the adjudication?

14 A I don't know.

15 Q Did you -- I had propounded discovery to the
16 city, and I asked them to identify each person
17 who participated in the adjudication of the 419
18 complaint.

19 A Mm-hmm.

20 Q And what I got back was Deputy Chief Horace
21 Frank and you.

22 So I guess I'm trying to figure out, who
23 would know whether anybody else was involved in
24 participating in the adjudication of this complaint?

25 A I don't know why they would say that. I can

1 tell you Commander Zarcone was involved. I don't know
2 whether they're only getting that information off of the
3 face sheet, because -- or the adjudication sheet.
4 Commander Zarcone did not sign it. But that does not
5 mean he did not have input into the letter of
6 transmittal.

7 Q Okay. Well, do you agree with the statement
8 that's in here that the allegations -- basically, what
9 it says is, "It is apparent to the adjudicator that
10 these allegations are retaliatory."

11 So the adjudicator is you; right?

12 A Yes.

13 Q And you signed this; right?

14 A Yes.

15 Q So that meant you agreed with this statement;
16 right?

17 A Yes.

18 Q So tell me what it is you meant by that,
19 then.

20 A That all of those other officers,
21 when interviewed, were -- had no -- made allegations
22 that were old, had never told anyone, had no one to
23 substantiate it in some cases, in other cases it was one
24 of these other people, and it appeared they were trying
25 to cause harm to the lieutenant.

1 Q Okay. So -- well, let me ask it this way:
2 Who did you believe was doing the
3 retaliation?

4 A The officers.

5 Q Which ones?

6 A Would have been Sauvao; Grogan, possibly;
7 Getherall, possibly. They were all making allegations
8 against the lieutenant and the other supervision.

9 Q And who did you believe they were retaliating
10 against?

11 A Against supervision.

12 Q Who?

13 A Against the lieutenant; against Sergeant
14 Stark; against Sergeant Goens.

15 Q By "lieutenant" you're referring to Garvin?

16 A Mm-hmm. Yes.

17 Q And did you form any opinions or conclusions
18 based on the investigation that was completed as to why
19 these officers were retaliating against Garvin and other
20 supervision?

21 A It appeared that, one, they really didn't
22 like Lieutenant Garvin, and that they were supporting
23 Officer Sauvao in his complaint with -- that
24 Officer Hollenback made about the TSA evaluation and the
25 notice to correct.

1 Q Okay. So I'm just trying to understand what
2 you meant by that.

3 But is what you're saying that one of the
4 reasons, or maybe the primary reason why these
5 complaints came to be from these officers against Garvin
6 and other supervision, was because a complaint was made
7 against Sauvao for tampering with the TSA certification?

8 A Yes. And they blamed -- it appeared they
9 blamed Lieutenant Garvin for the handling of that.

10 Q Do you know why they were blaming Garvin for
11 that?

12 A Because he had been present at the
13 administrative search of the vehicle.

14 Q Sauvao and maybe the other officers thought
15 that he's the one behind all of that?

16 A Yes.

17 Q And so they trumped up these complaints
18 because they were upset at him?

19 MR. KONG: Objection. Misstates her testimony;
20 foundation; argumentative.

21 You can answer.

22 THE DEPONENT: I don't know why they would say the
23 things they said.

24 Q BY MR. SALUTE: Well, I'm saying that's your
25 perception; right?

1 MR. KONG: Objection. Misstates testimony;
2 argumentative.

3 Go ahead.

4 THE DEPONENT: It would appear that that's what was
5 going on, yes.

6 MR. SALUTE: Why don't we take a break for a couple
7 minutes. Okay?

8 (Recess was taken.)

9 Q BY MR. SALUTE: So going back to kind of
10 finishing our conversation about your belief that these
11 allegations were retaliatory in nature, when did you
12 first start to get the inclination that these officers
13 were making these allegations against Garvin and the
14 other supervision to retaliate against them?

15 A I couldn't tell you when.

16 Q Well, was it before you received the
17 complaint investigation report in January of 2017?

18 A I'm sorry. What are you referring to?

19 Q Or, '18. I'm sorry.

20 A Yes. Because all of these complaints were
21 made -- or most of these complaints were made in 2017,
22 after they made the allegations against the lieutenant.

23 Q Okay. Sorry. So just to clarify, they
24 started to make these allegations in early 2017; right?

25 A Yes.

1 Q Okay. And by these complaints, I'm talking
2 about subordinate officers of Garvin's and others within
3 BDCS started making complaints against the supervision;
4 right?

5 A Yes.

6 Q And --

7 A And each other.

8 Q And each other.

9 And so at some point, all this stuff starts
10 happening, and you start to realize what's happening
11 because you're informed about these complaints; right?

12 A Yes.

13 Q And you start to question maybe the validity
14 of these complaints at some point?

15 MR. KONG: Objection. Vague and overbroad.

16 You can answer to the extent you can and
17 understand the question.

18 THE DEPONENT: Well, it's not for us to determine
19 whether or not they are valid, but they are obviously
20 unhappy and the mood of the -- and the environment
21 inside Bomb Detection K9 was not good.

22 Q BY MR. SALUTE: All right.

23 Do you recall being interviewed in connection
24 with one of the complaints -- one of the personnel
25 complaints that was made by Sauvao?

1 A I don't know if I was interviewed on that.

2 Q All right. Well, in the 614 complaint, there
3 appears to be a paraphrased statement of yours, and I
4 just wanted to kind of discuss that for a second here.
5 That's exhibit marked as 2.

6 Maybe what we should do is -- I'm gonna
7 attach -- although we marked them in another -- the
8 first deposition, I'm gonna attach them here, too.

9 So we'll mark as [Exhibit 1](#) -- or it was
10 marked the complaint investigation for the 419 complaint
11 as [Exhibit 1](#). [Exhibit 2](#) will be the complaint
12 investigation for the 614 complaint. Okay? And we'll
13 mark as [Exhibit 3](#) the 128 for the 419 complaint, which
14 is the complaint form for the 419 complaint.

15 Did I say [Exhibit 3](#) or [Exhibit 4](#)?

16 THE REPORTER: You said [Exhibit 3](#).

17 MR. SALUTE: And then [Exhibit 4](#) we'll mark as the
18 complaint form, the 128 for the 614.

19 Q So on page 12 of [Exhibit 2](#), you see there's
20 your name and it appears that there's a paraphrased
21 statement there?

22 A Yes.

23 Q Okay. Does that help refresh your memory as
24 to whether you were interviewed?

25 A No.

1 Q Okay. Well, in the second paragraph of your
2 paraphrased statement there, it talks about the
3 Hollenback tampering issue; right?

4 A You're talk- --

5 MR. KONG: Hold on. Objection. Foundation;
6 speculation. She's not the author of this document.

7 Do you recall this being any sort of
8 interview in this investigation that's marked as 614?

9 THE DEPONENT: I don't recall whether I was or not.
10 I could have been, but I don't recall.

11 Q BY MR. SALUTE: Okay. Look at page one of
12 [Exhibit 2](#), very bottom, line 43.

13 A Mm-hmm.

14 Q See that?

15 A Yes.

16 Q It says, "Meek was interviewed on February 1,
17 2018"

18 A Okay.

19 Q Does that help at all to refresh your memory?

20 A No.

21 Q Okay. Well, I took the deposition of
22 Demian Wyma, who said that he did interview you, and
23 that was your paraphrased statement. Okay? I'm
24 representing that to you.

25 A Okay. I just don't have any independent

1 recollection of it.

2 Q That's fine.

3 In the second paragraph of the paraphrased
4 statement, it talks about the Hollenback complaint with
5 the Sauvao tampering, it talks about that you became
6 aware that the behavior of some of the handlers -- it
7 says, "Meek became aware that the behavior of some of
8 the handlers inside BDCS changed after the
9 administrative search of Sauvao's vehicle and after
10 Sauvao had been interviewed for the personnel complaint,
11 which was in late 2016 or early 2017."

12 You see that?

13 A Yes.

14 Q Okay. Is that a true statement?

15 MR. KONG: Objection. Foundation; speculation.

16 You can answer if you know.

17 THE DEPONENT: I believe that's what I stated
18 earlier, that it appeared that after he became aware of
19 the complaint and then the notice to correct the
20 situation, all of this started that to happen. So,
21 yes.

22 Q BY MR. SALUTE: And then it says, "Prior to
23 Sauvao being interviewed, the existence of the complaint
24 was not known because the complaint was masked."

25 That's true; right?

1 MR. KONG: Again, same objection. Foundation;
2 speculation. She's not the author of the document.

3 But to the extent you know or that refreshes
4 your recollection of prior statements you made to
5 investigator of Internal Affairs, you can answer.

6 THE DEPONENT: I don't know that I would have said
7 prior to the interview. I probably would have said
8 prior to the administrative search because that's when
9 Sauvao became aware of it. I don't know when he was
10 interviewed.

11 Q BY MR. SALUTE: And then it says in the next
12 sentence, "One of the changes that Meek observed was
13 that additional personnel complaints were generated from
14 within the unit, indicating there was a conflict within
15 the BDCS."

16 That's true; right?

17 MR. KONG: Same objection as before.

18 Go ahead.

19 THE DEPONENT: Yes.

20 Q BY MR. SALUTE: Okay. So that being said --
21 oh, and then the next paragraph -- it starts off, in
22 January of 2017, you were notified about two occasions
23 where Sauvao had been hostile toward BDCS supervision;
24 right?

25 MR. KONG: Same objections.

1 I'm sorry. Go ahead.

2 THE DEPONENT: I remember one incident. I don't
3 know what else I would have been referring to.

4 Q BY MR. SALUTE: Okay. Well, what I'm trying
5 to understand is, at some point before you started
6 adjudicating the complaint for the 419 complaint, the
7 one that was made by Franco and Salinas --

8 A Mm-hmm.

9 Q -- you became aware that these various
10 officers are acting with some hostility toward
11 supervision; right?

12 A It appeared so, yes.

13 Q And it appeared to be that that hostility
14 arose after Sauvao became aware of the personnel
15 complaint against him; right?

16 MR. KONG: Objection. Foundation speculation.

17 You can answer.

18 THE DEPONENT: It appeared so, yes.

19 Q BY MR. SALUTE: And so that would have been,
20 based on your observations, around October or at least
21 late 2016; right?

22 A Or early 2017.

23 Q Or early 2017. Fair enough.

24 Now, did you ever have a meeting with Garvin
25 after the complaint was made against Sauvao for

1 tampering with the TSA evaluation where he expressed
2 some concerns to you about being retaliated against?

3 A I don't recall, no.

4 Q Well, okay. Let's clarify that.

5 When you say you "don't recall, no," does
6 that mean it didn't happen, or it may have happened but
7 as you sit here today, you don't have a memory of it?

8 A I have no memory of ever having that
9 conversation, no.

10 Q But do you deny that if Garvin said that that
11 did occur, do you deny that it occurred?

12 MR. KONG: Objection. Speculation; improper
13 hypothetical; assumes facts not in evidence.

14 You don't need to answer that.

15 THE DEPONENT: I --

16 MR. KONG: You don't need to answer that.

17 Q BY MR. SALUTE: Well, are you denying that
18 Garvin had such a conversation with you?

19 A Yeah --

20 MR. KONG: Objection. Asked and answered.

21 Go ahead.

22 THE DEPONENT: Yeah, I have no recollection, so I
23 would have to deny it happened.

24 Q BY MR. SALUTE: Okay.

25 A I believe I would remember it.

1 Q Did you, at any point after Garvin had
2 initiated that complaint, or caused the initiation of
3 the complaint against Sauvao -- did you have any
4 concerns that Sauvao or maybe others within the unit
5 might retaliate against him?

6 A No.

7 Q I want to go back to -- we talked earlier a
8 little bit about the administrative transfer in
9 downgrade, but we never marked any of these documents.
10 So turn to Exhibit 11.

11 And I'm gonna mark this as Exhibit --

12 THE REPORTER: 8.

13 MR. SALUTE: -- 8.

14 (Plaintiff's [Exhibit No. 8](#) was marked
15 for identification and is attached hereto.)

16 Q BY MR. SALUTE: Can you describe what these
17 documents are?

18 A Do you want me to start with --

19 MR. KONG: Are you talking --

20 Hold on.

21 Are you talking -- there's multiple pages
22 marked as Exhibit 11. Do you want her to go page by
23 page and explain each of these pages?

24 MR. SALUTE: Yep.

25 MR. KONG: Okay. Identify the page number and

1 describe what it is.

2 THE DEPONENT: For [Exhibit 8](#), is says, "Defense
3 Production, Garvin No. 9" It's the official
4 correspondence review form. It's also known as a bulk
5 slip. It's when a document is generated by an entity
6 and then has to go through the chain of review.

7 So this would have started with me, gone to
8 the assistant CO at counterterrorism, who was Chief --
9 Commander Zarcone, but Horace Frank's initials are on
10 there. And Horace Frank, also who was the deputy chief
11 assigned for himself, which is the commanding officer,
12 counterterrorism bureau.

13 I don't know where number four is. It's
14 under this Postie. And then it would have gone to
15 number five, Director of Administrative Services.

16 Q BY MR. SALUTE: Okay. And what's the next
17 page, marked as Garvin 23?

18 A It's a transfer and/or change in pay grade.
19 This is the document that was generated and served on
20 Lieutenant Garvin on March 9th of '17.

21 I met with him at Southeast with Captain
22 Paglialonga and served him, and it's the actual
23 paperwork to transfer him from Emergency Services to his
24 downgrade to a Lieutenant I. It doesn't say Southeast.
25 I don't know where -- I think he, at that point, was

1 given the options to provide three choices on where
2 he wanted to be assigned.

3 Q Okay. So let me go back here.

4 So you -- you get the complaint from Franco
5 and Salinas -- you get the complaint from Franco, I
6 guess it says in your declaration on February 8, 2017;
7 right?

8 A Yes.

9 Q And then, what, about a month later you're
10 preparing these transfer documents; right?

11 A Yes.

12 MR. KONG: Which one are you referring to, page --

13 MR. SALUTE: Page 23.

14 MR. KONG: Off [Exhibit 8](#)?

15 MR. SALUTE: [Exhibit 8](#).

16 THE DEPONENT: Defense production, yes. [Exhibit 8](#).

17 Q BY MR. SALUTE: And on page 23 -- or, it's
18 marked as Garvin 23 of [Exhibit 8](#), there's a box that is
19 under Section A that says, "If request for lower pay
20 grade," and it says, "Check appropriate box." And the
21 box is checked under two, which says, "Failure or
22 inability to satisfactorily perform the duties of the
23 advanced pay grade position."

24 Why did you check that?

25 A It was based on the recommendation of ERG and

1 my command to begin the downgrade based on best interest
2 of the department and based on the allegations of the --
3 or, the nature of the allegations made against the
4 lieutenant.

5 Q And did you agree with that?

6 A That is department policy. That's how we do
7 things. That's --

8 Q Did you agree that he should be transferred
9 and downgraded based on his failure or inability to
10 satisfactorily perform his duties?

11 A Yes.

12 Q Okay. Let's go to the next page, which is
13 marked as Garvin 10.

14 What is this?

15 A This is an internal -- or intradepartmental
16 correspondence, also known as 15.2, dated March the 2nd
17 from the -- to the office of administrative services
18 from me. It's an exemplar provided to me from personnel
19 at ERG, Employee Relations Group, to reassign the
20 lieutenant based on the nature of the allegations and
21 the complaint of the hostile work environment.

22 Q So what did he do exactly that was -- or how
23 did he fail to satisfactorily perform his duties?

24 A A decision was made based on the nature of
25 the comments that he allegedly made against Officer

1 Salinas.

2 Q Is there any other reason why -- well, did
3 you recommend that he be reassigned?

4 A I completed the paperwork based on the
5 direction I was given by my command and the exemplar
6 provided by ERG.

7 Q All right. So I'll take that as a no, you
8 didn't recommend it or --

9 A I did not recommend it.

10 Q What was his inability to satisfactorily
11 perform his duties?

12 A The reassignment is based on the nature of
13 the allegation and the hostile work environment that it
14 appeared was being allowed to exist at Bomb K9.

15 Q So it was based on allegations; right?

16 A Correct. Based on my information, yes.

17 Q No. I'm saying, at the point that the
18 reassignment was being done, there was nothing
19 investigated; right?

20 A No. The complaint had just been initiated.

21 Q Right.

22 So at that point, the department didn't know
23 and you didn't know whether the allegations were true or
24 not; right?

25 A Correct.

1 Q And so the reassignment was based on just
2 purely the allegations that were --

3 A Yes.

4 Q Okay. And I'm sorry. We already talked
5 about 10; right?

6 A Yes. That was 10. Yes.

7 Q Okay.

8 A And 11 is just the second page of that.

9 Q Right.

10 A And 12 is the administrative transfer of
11 reassignment, just Lieutenant Garvin acknowledging that
12 I gave him a copy of that letter.

13 MR. KONG: Which letter?

14 THE DEPONENT: The No. 10, the letter from
15 Emergency Services Division to the OAS requesting the
16 reassignment.

17 MR. KONG: Okay.

18 Q BY MR. SALUTE: All right. And then what is
19 page 13 of [Exhibit 9](#)?

20 A 13 is a document -- again, intradepartmental
21 correspondence -- same date on March the 2nd, 2017, from
22 myself to Lieutenant Garvin -- again, based on an
23 exemplar provided to me at the direction of ERG and
24 my command to reassign Lieutenant Garvin to
25 nonsupervisory duties based on the nature of the

1 complaint.

2 Q So when he was given this order, what did
3 this mean, he couldn't do anything as a lieutenant or
4 what?

5 A He could not supervise subordinates.

6 Q Can you function as a lieutenant and not have
7 any supervisory duties?

8 A In the position that he was given at World
9 Police and Fire, Captain Fontanetta indicated he could
10 have him performing duties that did not require
11 supervisory duties.

12 Q Well, that's a slightly different answer than
13 what my question was asking.

14 If you're ordered not to perform any
15 supervisory functions, can you operate as a lieutenant
16 in the Los Angeles Police Department?

17 A As I said, he was given an assignment which
18 he was able to operate and not provide supervisory
19 duties.

20 Q Was he assigned to a lieutenant's position?

21 A He was a lieutenant. They were all loaned
22 positions, so I don't know if they actually had any rank
23 structure.

24 Q All right. Do you know what his job was?

25 A I do not.

1 Q Okay. Let's go to the next page, which is
2 marked as Garvin 14.

3 Do you recognize this?

4 A I do. This is an email that Lieutenant
5 Garvin sent me. If you refer back to defense production
6 Garvin 10, it gives the lieutenant 30 days to respond to
7 this reassignment in a written response. And the
8 lieutenant chose not to -- he chose to respond via email
9 not to provide me with any information and wanted to
10 meet directly with the director of the Office of
11 Administrative Services.

12 Q Okay. What's the next document, Garvin 7?
13 MR. KONG: I'm going object based on foundation;
14 speculation.

15 You can comment if you know.

16 THE DEPONENT: Well, it's called an ERG
17 deselection/admin transfer analysis worksheet. It
18 appears to be prepared by ERG. I've never seen it
19 before.

20 Q BY MR. SALUTE: What about the document
21 that's next in order, Garvin 8; have you ever seen that
22 before?

23 MR. KONG: Same objection. Foundation;
24 speculation.

25 Again, you can answer if you know the

1 document, if you've seen it.

2 THE DEPONENT: I have seen it before, and it's just
3 ERG agreeing with the action that CTSOB is requesting to
4 reassign the lieutenant.

5 Q BY MR. SALUTE: So it says, "The commanding
6 officer, Emergency Services Division, requested that
7 Lieutenant II plus II Raymond Garvin be reassigned to
8 the position of a Lieutenant I and reassigned from
9 Emergency Services Division."

10 Do you know what commanding officer that's in
11 reference to?

12 A That's in reference to me. And if you refer
13 back to the Garvin 10, that is what that document is
14 requesting. The ERG would be making their
15 recommendation prior to the assistant chief director,
16 Office of Administrative Services, makes the final
17 decision. And that's who they are directing this to,
18 saying that they concur with CTSOB's and my paperwork to
19 reassign the lieutenant.

20 Q So, essentially, in early March of 2017 --
21 you okay?

22 A Mm-hmm. Yes. Thank you.

23 Q Essentially, in early March of 2017, the
24 decision was made not just to loan Garvin out, but to
25 essentially reassign him to a different position and

1 downgrade him from a Lieutenant II to a Lieutenant I;
2 right?

3 A Yes.

4 Q Meaning that it was the intention of the
5 department not to have him return back to his prior
6 position at any point in time?

7 MR. KONG: Objection. Foundation; speculation.

8 You can answer.

9 THE DEPONENT: It would be to remove him from the
10 position, yes.

11 Q BY MR. SALUTE: Right. On -- not on a loan
12 basis, but on a -- I can't say permanent basis but --
13 essentially, so that he wouldn't be coming back at any
14 time without having to go through an application process
15 again; right?

16 A Correct.

17 Q And do you know when that decision was made?

18 MR. KONG: Objection --

19 Q BY MR. SALUTE: Like, I know the paperwork --
20 it says March 2nd of 2017, but do you know whether the
21 decision was made earlier than that?

22 MR. KONG: Objection. Vague; overbroad. Decision
23 to do exactly what? Because there's a couple different
24 personnel actions taking place.

25 MR. SALUTE: Fair enough.

1 Q The decision was made in -- well, withdrawn.

2 At some point, there was a decision made to
3 loan him out; right?

4 A Yes.

5 Q Okay. And that decision was made almost
6 immediately after the complaint was initiated by Franco
7 and Macias; right?

8 A Yes. Within a week or two, yes.

9 Q And then at some point, there was a decision
10 that was made to reassign him -- Garvin, out of his
11 position as the Lieutenant II plus II of Bomb Detection
12 K9 Section; right?

13 A Yes.

14 Q And as I understand it, there was some
15 paperwork that was generated March 2nd of 2017.

16 My question to you is, was the decision made
17 earlier than March 2nd of 2017?

18 A Yes. It had to have been for me to have been
19 given the direction to draft that document and then meet
20 with the lieutenant. Yes.

21 Q So how soon after the complaint was made --
22 or lodged, I guess, against Garvin was the decision made
23 to reassign him? Not just loan him but reassign him out
24 of the position.

25 A I don't know.

1 Q How soon after the complaint was lodged
2 against Garvin by Franco and Macias did you become aware
3 that the decision was made to reassign him?

4 A I don't know.

5 Q Now, if you turn to -- is it warm in here?
6 No? You okay?

7 A I'm fine. Go ahead.

8 Q If you turn to tab 13 --

9 A Mm-hmm.

10 Q -- this is a sworn pay grade advancement
11 transfer opportunity notice; right?

12 A Yes.

13 Q It appears to be dated August 14, 2017?

14 A Yes.

15 Q And if you turn to page two, there appears to
16 be a listing for Lieutenant II plus II officer in
17 charge, Bomb K9 unit.

18 Do you see that?

19 A Yes.

20 Q That was the job that Garvin previously
21 held?

22 A Yes.

23 Q Do you know when the first time the job was
24 posted for a vacancy?

25 A I believe this was the only time.

1 Q Do you know when the decision was made to
2 fill the vacancy?

3 A No.

4 Q Do you know why there was a decision not to
5 wait until the outcome of the investigation to fill the
6 vacancy?

7 A No.

8 Q And if you go to the next in order, number 14
9 there -- tab 14 --

10 A Yeah.

11 Q -- on page one on the third one down, dated
12 10/1/17 --

13 A Yes.

14 Q -- you see it says, "31119 Lewis"?

15 A Yes.

16 Q Okay. Is that the transfer order that filled
17 the vacancy?

18 A Yes.

19 Q And so that's Lieutenant Lewis?

20 A Yes.

21 Q And so that means interviews were held for
22 that position?

23 A Yes.

24 Q Did you participate in the interview?

25 A I believe I did, yes.

1 Q Did you know Lewis before he came over to
2 fill the position?

3 A Yes.

4 Q How did you know him?

5 A I may have known him as far back as
6 Southeast. Probably 20 years. He is one of my cadre
7 members on the National Police Week memorial cadre.

8 Q Is he a personal friend of yours?

9 A He's not a friend. I mean, we're friendly,
10 yes. Have been for 20 years.

11 Q How many applicants were there for the
12 position in --

13 A I don't recall.

14 Q Was Garvin the only supervisor at BDCS that
15 was transferred out as a result of the complaint?

16 A Yes.

17 Q Why wasn't any other supervisor moved out?

18 MR. KONG: Objection. Pitchess. I'm going to
19 instruct the witness not to answer that.

20 MR. SALUTE: You're suggesting that that
21 information is what? How is that Pitchess protected?

22 MR. KONG: It's related to the personnel actions
23 or -- it's the personnel actions of other officers, and
24 so she's not gonna disclose the rationale for either
25 moving or not moving them out of a particular unit.

1 Because, invariably, it would involve
2 discussing the ins and outs and thoughts and impressions
3 and conclusions of other supervisors into their
4 decision-making as far as what officers remain in BDCS,
5 which is all personnel related. And she's not gonna
6 answer those.

7 Q BY MR. SALUTE: Did you have an understanding
8 as to whether Sauvao was upset at any other supervisors
9 besides Garvin because a personnel complaint was
10 initiated against him for tampering in the Hollenback
11 TSA certification?

12 MR. KONG: I'm sorry. Can I have that question
13 read back?

14 (The following question was read by
15 the reporter:

16 "Q BY MR. SALUTE: Did you have an
17 understanding as to whether Sauvao was upset at any
18 other supervisors besides Garvin because a personnel
19 complaint was initiated against him for tampering in the
20 Hollenback TSA certification?")

21 MR. KONG: That's fine. You can answer if you
22 know.

23 THE DEPONENT: I don't know.

24 Q BY MR. SALUTE: Isn't it true that Sauvao had
25 expressed that he wanted to have the entire supervision

1 of BDCS removed?

2 A Yes. But I don't think it was at that time.
3 I think it was later.

4 Q What do you mean, "at that time; it was
5 later"?

6 A Related to the complaint generated by
7 [REDACTED]. I thought that was the question you asked.
8 I believe he made that request in a 15.7, March or so.

9 MR. KONG: Make sure to couch your responses
10 regarding Garvin, not any other supervisors. Thanks.

11 Q BY MR. SALUTE: If you turn to tab six -- and
12 this is the addenda items to the 614 complaint -- and
13 1-A, do you recognize 1-A and 1-B?

14 A I believe I've seen it before, but I don't
15 recall.

16 Q All right. Well, if you look at the top --

17 A Mm-hmm.

18 Q -- it appears to be a -- it's what's called a
19 15.7; right?

20 A Yes.

21 Q And a 15.7 is just an employee's report;
22 right?

23 A Yes.

24 Q And it appears to be dated March 4th of 2017;
25 right?

1 A Correct.

2 Q And it's addressed to you?

3 A Yes.

4 Q Okay. And it's from Mark Sauvao?

5 A Yes.

6 Q And do you recall this as being the 15.7
7 that was given to you that was essentially Sauvao's
8 complaints against Garvin that caused the initiation of
9 the 614 complaint?

10 A Yes. I believe so, yes.

11 Q And so when you got this 15.7, did you read
12 it?

13 A I did, but I don't have any independent
14 recollection of it.

15 Q Well, if you go to page 1-B at the top, it
16 says, "Lieutenant Garvin worked in conjunction with
17 Sergeant Goens and Sergeant Stark. Without their
18 removal from the unit, the retaliation and hostile work
19 environment will continue."

20 Do you see that?

21 A Yes.

22 Q So at least as of March 4th of 2017, is it
23 fair to say that Sauvao was seeking the removal of not
24 only Garvin but also Goens and Stark?

25 A Yes. And I believe that's what I stated. It

1 was later, and I believed it's March, so yes.

2 Q Okay.

3 MR. KONG: You okay?

4 THE DEPONENT: Mm-hmm. Yeah. Thank you.

5 Q BY MR. SALUTE: So in any event,
6 notwithstanding Sauvao's complaints that he had with
7 Goens and Stark, at least as of March of 2017, no
8 decision was made to remove either of those sergeants
9 out of BDCS; correct?

10 A Correct.

11 Q Now, at some point, did you come to learn
12 that Sauvao had filed a claim for damages?

13 A Yes.

14 Q And do you recall when you learned that?

15 A No.

16 Q Did the fact that he had filed a claim for
17 damages play any role in how you adjudicated the
18 complaint -- the 419 complaint?

19 A No.

20 Q So when did you start to put all of this
21 together, this big picture that you started to form that
22 this clique of officers who were friendly with Sauvao --
23 or followed Sauvao, however you want to call it -- were
24 trumping up these complaints against Garvin and others?

25 MR. KONG: Objection. Misstates testimony; assumes

1 facts not in evidence. Also -- yeah, speculation.

2 Go ahead. You can answer to the extent that
3 you can.

4 THE DEPONENT: They never spoke to any of us, so
5 when all the complaints started to be generated.

6 MR. SALUTE: Can you read back her answer.

7 (The following record was read by
8 the reporter:

9 "THE DEPONENT: They never spoke to any
10 of us, so when all the complaints started to
11 be generated.")

12 Q BY MR. SALUTE: So the complaints started to
13 be generated in February or March of 2017; is that what
14 you mean to say?

15 A Yes.

16 Q So before you even received the investigation
17 reports?

18 A I don't --

19 MR. KONG: Objection. Vague; foundation.

20 THE DEPONENT: I don't understand the question.

21 Q BY MR. SALUTE: Well, the Franco and Salinas
22 complaint came to light, at least to you, around
23 February 2017; right?

24 A Yes.

25 Q And the Sauvao complaint came to light around

1 March 4th of 2017; right?

2 A Yes.

3 Q Okay. So when you're saying that when you
4 kind of started to put everything together when these
5 complaints were brought, do you mean that you started to
6 put together in February of 2017 or March of 2017 that
7 these people were retaliating against Garvin and others?

8 MR. KONG: Objection. Misstates her testimony.

9 You can answer if you can --

10 THE DEPONENT: Over those next several months, in
11 early to mid-2017, we would become aware of all their
12 complaints. They never made the complaints to us. They
13 would go to Internal Affairs or go somewhere else and
14 make the complaints. We would be notified that
15 the complaints had been generated, so that's how we
16 became aware.

17 As far as the actual nature of all the
18 complaints, we did not know what they all were, but we
19 knew they were all the same parties involved.

20 Q BY MR. SALUTE: Now, ultimately, as to the
21 419 complaint, the allegations were adjudicated either
22 not resolved or unfounded; is that correct?

23 A Yes, I believe --

24 Q Tab seven.

25 A Thank you. Yes.

1 Q And "unfounded" means what?

2 A Unfounded means that the evidence obtained
3 during the investigation was able to prove that the
4 incident alleged did not occur.

5 Q All right. And what does "not resolved"
6 mean?

7 A Means that the investigation was not able to
8 prove or disprove whether the allegation --

9 Q Okay.

10 A -- occurred.

11 Q But even though they were not resolved, you
12 had concluded in your mind that these allegations were
13 not credible; is that fair to say?

14 MR. KONG: Objection. Misstates her testimony.
15 Go ahead.

16 THE DEPONENT: Yeah, we go by what the evidence
17 shows, whether or not they were able to substantiate the
18 allegation or not. And there wasn't enough there, so my
19 personal opinion does not matter.

20 Q BY MR. SALUTE: Let's go to the adjudication
21 of the 614 complaint. So that's under tab 8, which --
22 did we mark that? I don't think we did; right?

23 MR. KONG: No.

24 (Discussion held off the record.)

25 MR. SALUTE: We'll mark as [Exhibit 9](#) the complaint

1 adjudication form and letter of transmittal for the 614
2 complaint.

3 (Plaintiff's [Exhibit No. 9](#) was marked
4 for identification and is attached hereto.)

5 Q BY MR. SALUTE: And just take a minute and
6 look at that.

7 MR. KONG: I'm going to remind the witness that any
8 questions about this exhibit, [Exhibit 8](#) -- or,
9 [Exhibit 9](#), we're only focused on Lieutenant Garvin, not
10 any other third-party officer that is identified as an
11 accused officer in the investigation. All right?

12 THE DEPONENT: Mm-hmm.

13 MR. SALUTE: I'm trying not to ask about that
14 anyway.

15 Q So do you recognize [Exhibit 9](#)?

16 A I don't have any independent recollection of
17 it, but yes, I do recognize it.

18 Q I was a little bit confused about the
19 complaint adjudication form. I guess -- it looks like
20 the first two pages, there's some allegations that were
21 made against the department itself, and then the next
22 two pages were against Garvin.

23 Is that what happened?

24 MR. KONG: Are you asking her if she
25 has independent knowledge of that, or --

1 MR. SALUTE: Yeah.

2 MR. KONG: -- are you asking her to look at the
3 documents and verify that?

4 MR. SALUTE: Either way. I mean . . .

5 THE DEPONENT: No, I don't have any independent
6 recollection, and I believe I'm as confused as you
7 are.

8 Q BY MR. SALUTE: Well, you know, I looked
9 at -- it looks like -- if we look at the letter of
10 transmittal, allegation one is against somebody else.

11 Okay?

12 A Okay.

13 Q So we're not gonna discuss that.

14 A So we're only going to discuss allegation
15 two?

16 Q Allegation two is against Garvin.

17 A Yes.

18 Q Allegation three is against Garvin.

19 A Oh, okay. I see what you're saying.

20 Q Allegation four is against somebody else.

21 Allegation five is against somebody else. Allegation
22 six is against Garvin. And it looks like allegation
23 seven -- I can't --

24 A Is against the department.

25 Q It looks like it's against the department;

1 right?

2 A Correct. Correct. Correct.

3 Q So the allegations against the department
4 apparently were adjudicated as unfounded; right?

5 MR. KONG: Objection. Foundation.

6 Do you have any independent knowledge of
7 whether or not they were adjudicated unfounded?

8 THE DEPONENT: Only based on the paperwork.

9 MR. KONG: Okay.

10 Q BY MR. SALUTE: Okay. Fair enough.

11 And then as to the allegations against
12 Garvin, it looks like you adjudicated them -- well,
13 first of all, you did the adjudication; right?

14 A Yes.

15 Q And it looks like you adjudicated allegation
16 two as not resolved; correct?

17 A Yes.

18 Q And that's the allegation that, on some on
19 unknown date, "Garvin, while on duty, failed to take
20 appropriate action when he heard somebody else make an
21 inappropriate remark toward Sauvao"; right?

22 A Yes.

23 Q And then the other two allegations,
24 allegation three and six, you adjudicated as
25 nondisciplinary?

1 A Yeah.

2 Q So what does "nondisciplinary" mean?

3 A It means that there could be another way of
4 resolving it, or nondisciplinary -- there's no penalty
5 attached.

6 Q That means there's no misconduct alleged;
7 right?

8 MR. KONG: Objection. Misstates testimony.

9 Go ahead. You can clarify.

10 THE DEPONENT: It does not necessarily rise to the
11 level of misconduct, or they could -- actions could have
12 been different, is also nondisciplinary. But both of
13 these appear to be do not rise to the level of
14 misconduct.

15 Q BY MR. SALUTE: Now, what did you use to
16 adjudicate the complaints against Garvin?

17 A I would have used the paraphrased statements
18 and any addenda items that I was provided.

19 Q Do you recall whether you -- whether you used
20 the actual recorded witness statements? In other words,
21 did you listen to the witness statements?

22 A I don't believe so.

23 Q So you would have just relied upon the
24 complaint investigation report itself and then the
25 exhibits in the addenda items?

1 A Yes, I believe so.

2 Q All right. Now, in the first adjudication
3 that we talked about for the 419 complaint, you -- or
4 somebody else referenced, but you adopted the notion
5 that the complaints were retaliatory in nature; right?

6 A They appeared that they could possibly be,
7 yes.

8 Q Did you feel the same way about the
9 complaints that Sauvao was making in the 614 complaint?

10 A I don't recall whether we did -- I did or we
11 did. I don't recall. But they could have been, yes.
12 Same rationale.

13 MR. KONG: Do you know right now?

14 THE DEPONENT: No.

15 MR. KONG: Okay. Don't speculate or guess.

16 Q BY MR. SALUTE: Okay. So going to the
17 adjudication, page 16 --

18 MR. KONG: Which --

19 THE DEPONENT: Still in Exhibit --

20 Q BY MR. SALUTE: I'm sorry. Talking about --
21 this is [Exhibit 9](#). So we're going to page 16.

22 And in here, there's reference to "There
23 appears to be a camp of employees aligned along the same
24 lines."

25 Do you see that?

1 A No. Where are you --

2 Q Okay. So if you look towards the middle
3 here -- actually --

4 A No. I see it.

5 Q Okay. Well, let me ask you this before we
6 get there:

7 Did you have any assistance in preparing this
8 letter of transmittal?

9 A Oh, I don't recall.

10 Q Would you have gone through that same process
11 like you did before with Zarcone where you would
12 have sent him the adjudication, like a draft by email or
13 some other intradepartmental correspondence or something
14 like that, and he would have given you his feedback?

15 A Yes.

16 Q Now, if he did provide some form of feedback,
17 would you have kept the notes that he would have given
18 you?

19 MR. KONG: Objection. Speculation.

20 Go ahead. You can answer.

21 THE DEPONENT: No.

22 Q BY MR. SALUTE: You would have just thrown
23 them away?

24 A Or --

25 MR. KONG: Same objection. Speculation.

1 THE DEPONENT: Or it would have been verbal. I
2 don't know.

3 Q BY MR. SALUTE: Okay. Did you guys share
4 offices?

5 A No.

6 Q He was at a different location?

7 A Yes.

8 Q So in the paragraph that's starting on
9 page 16, it says -- there's some reference to some of
10 the comments that were made, and then it says, "What
11 this investigation has made clear is that there appears
12 to be a camp of employees aligned along the same lines.
13 Those employees are Sauvao, Franco, Getherall, Macias
14 and Phermsangngam."

15 What did you mean by that?

16 MR. KONG: Well, objection. Foundation.

17 You can go ahead and answer.

18 THE DEPONENT: That was -- with the exception of
19 Officer Phermsangngam, those were the same employees
20 that we discussed earlier that were making all the
21 complaints and being witnesses for each other.

22 Q BY MR. SALUTE: So, essentially, those were
23 the officers who were corroborating Sauvao's
24 allegations, but other officers were not; is that fair
25 to say?

1 A Yes.

2 Q And that led you to believe that these
3 officers were in some way, shape or form aligned with
4 Sauvao?

5 A Yes.

6 Q And do you recall whether there were any
7 allegations in the 614 complaint that were made by --
8 I'm sorry; I'm gonna mispronounce his name --
9 Phermsangngam?

10 A Phermsangngam?

11 Q Yes.
12 -- against Garvin?

13 A No. I believe it was only in the prior
14 complaint that he made an allegation that was brought to
15 light when Internal Affairs conducted their interviews.

16 Q Okay. Well, let's confirm that. I just want
17 to make sure.

18 If we look at -- where would you look to see
19 whether there was an allegation made by Officer
20 Phermsangngam against --

21 A The investigation, which would be No. 1 --
22 MR. KONG: Referring to [Exhibit 1](#)?

23 THE DEPONENT: Yes.

24 MR. KONG: Okay.

25 THE DEPONENT: No, it's not in that one. I don't

1 know where -- it's in one of the complaints. I just
2 don't know which one.

3 It was never made to us. It was made to
4 Internal Affairs.

5 Q BY MR. SALUTE: Okay. Well, in any event,
6 you would agree there's not a complaint made by
7 Officer Phermsangngam against Garvin in the 419
8 complaint; right?

9 A I don't believe in this one, no.

10 Q Okay. And would you agree that there's no
11 allegation made by Officer --

12 A Oh, wait. It is. It's number four. Oh, no.
13 It's against -- oh, I'm sorry. It's allegation
14 number four. It's not against the lieutenant. I
15 apologize. So no.

16 Q So let's start again.

17 So on the 419 complaint --

18 A Mm-hmm.

19 Q -- you would agree there is no allegation of
20 misconduct made by Officer Phermsangngam against Garvin;
21 correct?

22 A Correct.

23 Q And if we go to the 614 complaint, similarly,
24 you would agree that in there there's no allegation of
25 misconduct made by Officer Phermsangngam against Garvin;

1 correct?

2 A Correct.

3 Q And I'm not aware of any other complaints
4 that were made against Garvin, either by Officer
5 Phermsangngam or anybody else.

6 So are you aware of some other complaint that
7 was made against Officer Garvin other than these two?

8 A No. I was mistaken when I thought that that
9 was made against Lieutenant Garvin. It was not.

10 Q Okay. Fair enough.

11 So if you turn to tab 12 in the book there,
12 there's a letter dated April 18, 2018, and it's in
13 reference to CF number -- it's basically the 614
14 complaint; right?

15 A Yes.

16 Q You would agree that that letter does not
17 reference -- when it talks about a supervisor, that's
18 not in reference to Garvin; right?

19 A Correct.

20 Q Okay. And the reason I'm asking is because
21 there was some confusion in the earlier depo, so I just
22 wanted to clarify that.

23 Now, at some point, did you become aware that
24 Garvin had filed a governmental claim?

25 A Yes.

1 Q And how did you become aware of that?

2 A It's sent to us by Legal Affairs, and it
3 generates a personnel complaint.

4 Q Is that something that would show up on your
5 teams report?

6 A It shows up on your teams report if you are
7 named. If you're just a witness, no.

8 Q So were you a witness?

9 A I don't recall what I was in that case.

10 Q Were you interviewed?

11 A Yes.

12 Q And during the interview, were you asked
13 about the various allegations in the government claim?

14 A I don't know what the allegations were. I
15 don't recall. But I assume that I was, however I framed
16 them.

17 Q And did you ever receive notification from
18 the department as to the outcome of that
19 investigation?

20 MR. KONG: I'm going object based on Pitchess
21 grounds, on behalf of this officer as well as several
22 other police officers in that investigation, and
23 instruct the witness not to answer.

24 MR. SALUTE: Whether she received a letter?

25 MR. KONG: Yeah. Regardless, any information

1 pertaining to that investigation.

2 MR. SALUTE: I didn't ask her to disclose what was
3 in the letter. I just asked her whether she received
4 the letter --

5 MR. KONG: I'm instructing her not to answer any
6 questions regarding that investigation which doesn't
7 pertain to Garvin as the subject, but other officers.

8 Q BY MR. SALUTE: Okay. So are you going to
9 follow Mr. Kong's instructions and not respond to that
10 question?

11 A I am.

12 Q To your knowledge, do they put letters
13 regarding the outcome of various personnel
14 investigations -- do they put those things in your
15 personnel file?

16 A I don't believe so, no.

17 Q What do they do with those letters, do you
18 know?

19 A I believe they just send them to your address
20 on record. I don't know.

21 Q And aren't they required by law to do that?

22 MR. KONG: Objection. Foundation.

23 You can answer if you know.

24 Q BY MR. SALUTE: Do you know?

25 A They're required to send it to the

1 complainants but not to the witnesses.

2 MR. SALUTE: Okay. You know what, we might almost
3 be done. So give me a couple minutes here.

4 MR. KONG: Okay.

5 (The deposition was concluded at 2:58 p.m.)

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DEPONENT'S DECLARATION

I, KATHRYN MEEK, hereby declare:

I have read the foregoing deposition transcript, I identify it as my own, and I have made any corrections, additions or deletions that I was desirous of making in order to render the within transcript true and correct.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

_____,
(date)

_____,
(city and state)

(Signature)

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF LOS ANGELES)

4 I, Wendy J. Wright, Certified Shorthand
5 Reporter, Certificate No. 11607 in the State of
6 California, duly empowered to administer oaths, do
7 hereby certify:

8 I am the deposition officer that
9 stenographically recorded the testimony in the foregoing
10 deposition;

11 Prior to being examined, the deponent was by
12 me first duly sworn;

13 The foregoing transcript is a true record of
14 the testimony given. However, any changes made by the
15 deponent or whether or not the deponent signed the
16 transcript cannot at this time be set forth, because at
17 the time of execution of this certificate the deponent
18 has not yet done so and the time period provided for in
19 the Code of Civil Procedure, Section 2025 (q)(1), has
20 not run.

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22 Dated January 4, 2020, Los Angeles, California.
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